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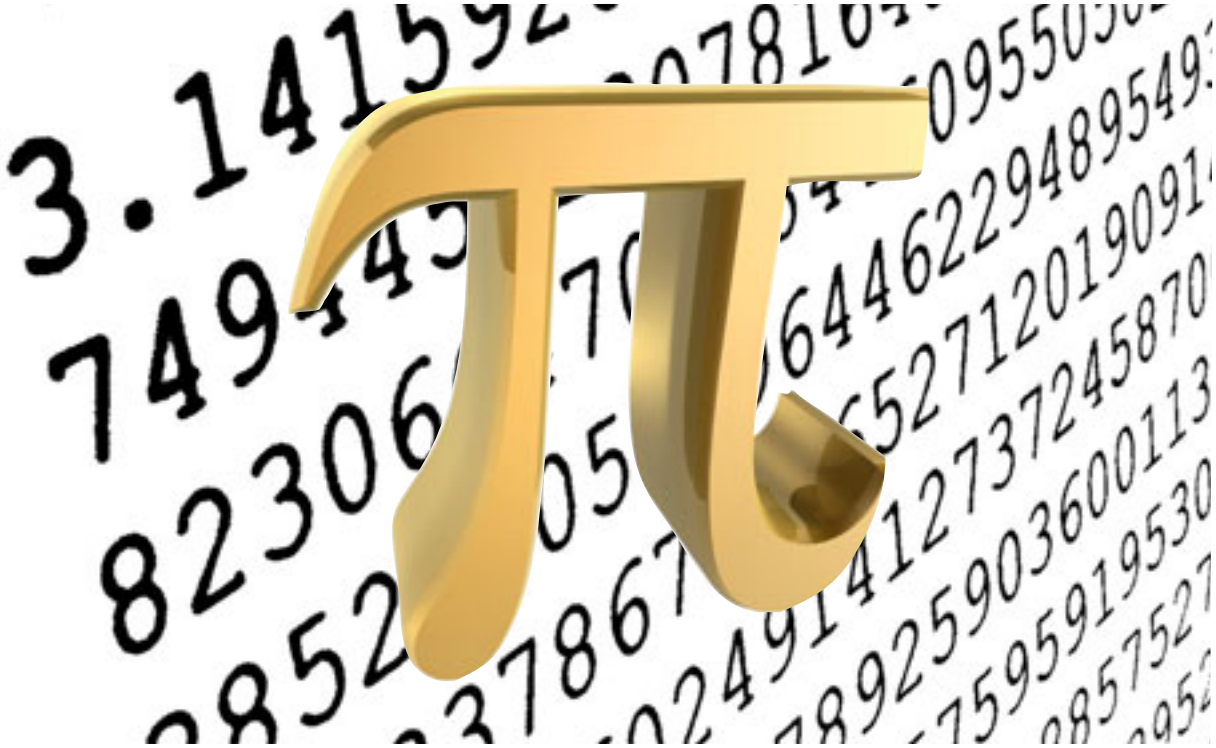

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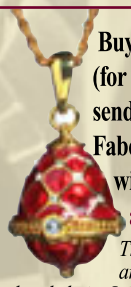

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BPA INTERNATIONAL

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A Successor to 'The Public Interest'

A little over four years ago, David Skinner eloquently bid farewell in these pages, "after 40 years of excellence," to "the most important political quarterly of the last half-century," Irving Kristol's *The Public Interest*.

It's been a long four years, so THE SCRAPBOOK is thrilled to welcome a new magazine that, as editor Yuval Levin puts it in the first issue, "seeks consciously to model itself" on that journal. Levin writes,

> We are successors to their project in a technical sense, as the company they founded to publish their magazine, National Affairs, Inc., is now home to ours (and the complete archives of *The Public Interest* are available for the first time on our website, www.nationalaffairs.com). We have been the beneficiaries of their guidance and help, too, though they bear no blame for our shortcomings. And we can only hope to be truly their successors in the merit, the quality, and the significance of the work we do, if with some different emphases for a different time.

Judging from the first issue, *National Affairs* may come as close to succeeding as is possible in this ambitious goal. Levin explains that

> National Affairs will have a point of view, but not a party line. It will begin from confidence and pride in America, from a sense that our challenge is to build on our strengths to address our weaknesses, and from the conviction that chief among those strengths are our democratic capitalism, our ideals of liberty and equality under the law, and our roots in the longstanding traditions of the West. We will seek to cultivate an open-minded empiricism, a decent respect for the awesome complexity of life in society, and a healthy skepticism of the serene technocratic confidence that is too often the dominant flavor of social science and public policy. And we will take politics seriously.

The first issue, checking in at an impressive and handsome 180 pages, lives up to these aspirations. Essays by William Schambra and Wilfred McClay explore the historical and philosophical underpinnings of Obama's technocratic liberalism—and its deficiencies. Contributors such as James C. Capretta (on "The New Middle Class Contract"), Luigi Zingales (on "Capitalism After the Crisis"), and Ron Haskins ("Getting Ahead in America") demonstrate an unusual and impressive mix of open-minded empiricism, respect for social complexity, and imaginative thinking about the crossroads where politics and public policy meet.

So take a look at nationalaffairs.com, subscribe, and instruct all your friends and associates to do so too. And while you're there, do take a look at the archives of *The Public Interest*—an incomparable resource for those who were too young to benefit from the journal at the time, and a walk down memory lane (as well as a resource!) for those of us who were around but might not have perfect recall.

Congratulations to the editors of *National Affairs*. THE SCRAPBOOK is already looking forward to Issue 2. ♦

The Honeymoon Isn't Over

Voters might be experiencing buyer's remorse over President Obama—51 percent disapproval rating in the current Rasmussen poll—but the mainstream media are keeping the faith.

As an illustration, THE SCRAPBOOK here helpfully reproduces the main headlines of the *Washington Post* for the two days before the president's health care speech to Congress and the morning after. Readers are reminded that these are not just the headlines for news stories, as opposed to op-ed essays or "analysis," but the main, front-page news stories in each day's edition.

President To Flesh Out His Vision In Speech

Obama Speech Aims To Reenergize Effort

President Says His Critics Lack Health-Care Answer

In Fiery Speech, He Appeals for Union Support

It's not easy to choose our favorite among the three—"Obama Speech Aims To Reenergize Effort" certainly wins the award for fatuousness—but the blue ribbon is bestowed on "President Says His Critics Lack Health-Care Answer," which manages to combine fawning deference to Barack Obama with a vague, slightly incoherent slap at Americans who have the temerity to dissent from the vague, slightly incoherent details of Obamacare. ♦

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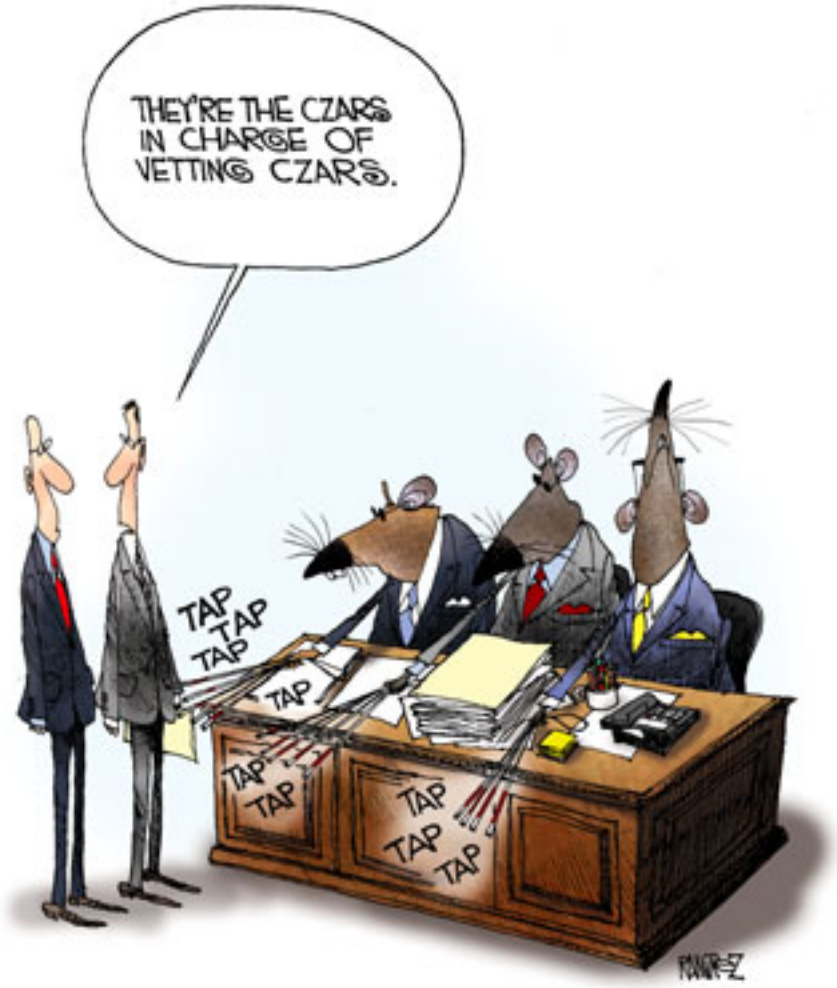

Human Rights Watch Follies (cont.)

The last time The Scrapbook checked in on Human Rights Watch, the organization was under fire for sending Sarah Leah Whitson, director of the group's Middle East division, to raise money from wealthy Saudis—including officials responsible for the enforcement of sharia law—by touting the group's battles with critics of HRW's controversial allegations of Israeli human rights violations.

Since then, HRW has suffered unaccustomed scrutiny of its curious staffing decisions. The Israeli paper *Ma'ariv* discovered that Whitson's deputy, Joe Stork, once lavished praise on the Palestinian terrorists who murdered 11 Israeli athletes at the 1972 Munich Olympics. The "Munich action," Stork wrote, "provided an important boost in morale among Palestinians in the camps." Stork's rejoinder was to say that the quotes were "more than 30 years old" and to accuse the Israeli government of conspiring with the media to "spread malicious misinformation about me and my organization." That was good enough for Stork's bosses: He remains at his post.

Last week, courtesy of the group NGO Monitor, we learned that Marc Garlasco, Human Rights Watch's senior military adviser is (wait for it) an ardent collector of Nazi medals and memorabilia. Garlasco, as The Scrapbook has previously noted, is best known for his reports accusing Israel of targeting Palestinian civilians, one of which was retracted as factually inaccurate.

After word of Garlasco's eccentric hobby began to circulate, Human Rights Watch responded lamely: Garlasco, according to a spokesman, collects "military items related to both sides, including American 8th Air Force memorabilia and German Air Force medals and other objects (not from the Nazi Party or the SS, as falsely alleged)." Garlasco's own postings at a forum for collectors of Nazi souvenirs, though, seemed to indicate an adolescent enthusiasm for SS gear. "The leather SS jacket makes my blood go cold it is so COOL!" he wrote a fellow hobbyist in one of his more than 8,000 postings under the handle Flak88. The response: "Great feedback mein Freund! . . . Gott mit uns!"

The idea of a man fascinated by Nazi pageantry standing in judgment of Jews who seek to defend themselves from attack was too much even for some of the group's biggest supporters. Helena Cobban, a member of HRW's Middle East Advisory Committee, offered an analogy on her blog. Having Garlasco judge the Israelis, she said, is "like employing someone to do child-protection work by day who goes home and collects pictures of naked or suggestively-clad children by night."

As we go to press, Garlasco still has his job. Given HRW's record, we'd say he's as likely to be promoted as fired. And who knows, he might really fire up the Saudi donor base. ♦

Sentences We Didn't Finish

'One-party autocracy certainly has its drawbacks. But when it is led by a reasonably enlightened group of people, as China is today . . . " ("Our One-Party Democracy," Thomas L. Friedman, *New York Times*, September 9). ♦

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Casual

The Week That Was

When I was around the age of 20, the National Football League started to annoy me, and it hasn't stopped annoying me since. There are few institutions—none outside of academia—that mix pomposity and anti-intellectualism with quite the gusto the NFL does. You have the Roman-numbered Super Bowls and the shake-your-booty halftime shows. You have the gladiatorial fanfares that precede every ad and then you have … cripes … the ads themselves, which, since the invention of Viagra, make it impossible to watch sporting events in a family setting.

The NFL commercializes everything. No team can reach the other's 20-yard-line without our getting a "Red Zone Update" named after some laxative or motor oil. The almost theological role of beer would require an essay of its own; we won't even broach it. The dumbing-down is not just a side-effect in a profession where brawn matters. It is actually part of the ethos of NFL football in a way it is not in other sports. ("Duane, the key for this Tennessee defense today is gonna be to keep the Dolphins out of the end zone." "That's right, Darrell, and you gotta think Miami's gonna wanna putta lotta points on the board.") Those who credit feminism for the fact that 60 percent of undergraduate degrees now go to women should examine the role of football-watching before leaping to conclusions.

And yet, football has never bored me. On a deadline Sunday, it is a dangerous thing for me to be anywhere near a room with a football game on—or even something resembling football, like a Detroit Lions game. And I must avow that the parts of football that won my heart four decades ago—back in the day of 14-game seasons, kickoffs from the 40, 15-yard holding penalties, and uprights on the goal line—were the very parts that prefigured today's cheesier game.

On Sundays when I was 8, I'd go over to the house of my Greek friend Charlie, where nobody spoke English terribly well or understood football in the least. We'd eat Snickers bars and 3 Musketeers from the boxes full of them that his family kept in the kitchen (it seemed odd, but who was I to judge the Mediterranean lifestyle) and root for the New York Giants, who were the most-watched team in New England long after the Patriots were founded.

HAL MAYFORTH

This was the era of Fran Tarkenton and the amazing Homer Jones. But the actual games paled beside *This Week In Pro Football*, which aired every weekend of football season in the early 1970s. "This Week" took the highlights of all the games and set them to this strangely thrilling music. I don't know quite how to describe it—it was like a rock version of English march music (Elgar, Holst), played with swing-band instruments. Watching all that fast-cut football action taking place to a musical accompaniment made my 8-year-old head spin. And then there were the gravelly-voiced narrators, whose accounts were perfectly pitched to my juvenile sense of crisis, logic, and justice. "The Cowboys rode into the City of Brotherly Love hoping to avenge a whipping the upstart Eagles had given them in September …"—that kind of narrator.

Watching an hour of this made the stakes of pro games on Sunday afternoon seem vast. I couldn't shake the drama all week long. I would walk to school with my arms outstretched and my palms upward, looking up at the slate-colored sky, waiting for the descent of the long bomb I would catch with 10 seconds left in the fourth quarter of the game that was on in my head, accompanied by that soundtrack: *Rump da-da dump-dump, dump-dump, dump-dump*. Football inhabited me. Whenever I am told about Islamist groups showing videos to recruit people for jihad, I imagine a gory equivalent of *This Week In Pro Football*. I doubt I'm wrong.

Over time, much of American culture has become more like *This Week*. The reality TV shows I overhear all hide the banality of their subject matter behind a hypnotic disco soundtrack. (*Boomp, chick. Boomp-boomp, chick*. "I love the way this bolster brings out the ecru in the wallpaper …" *Boomp, chick. Boomp-boomp, chick.*) I don't watch much TV. But I will have it on Monday night, when Tom Brady leads the mighty Patriots into the trenches of Buffalo, ready to do battle against the upstart Bills, hoping to reclaim their rightful…

Christopher Caldwell

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Think Government-Run Health Care Won't Hurt?

Think Again.

Democrat supporters of health care reform accuse opponents of spreading exaggeration, fear-mongering, and outright lies about their proposals. They say their plans will cause only minimal pain to a few taxpayers. But the history of government's involvement in the health care system says otherwise.

- When Medicare was created back in the mid-1960s, supporters said that in 25 years the annual cost of the program would reach $12 billion. As it turned out, the amount actually spent was $110 billion – **a cost overrun of more than 900 percent**.
- The Center for State and Local Government Excellence estimates that states and localities have run up $558 billion in unfunded health liabilities for retired public employees – **almost $20,000 for every uninsured American citizen**.
- Medicare and Medicaid **lose up to $60-$100 billion a year to waste, fraud, and abuse** – that's as much as $1,200 every year, for every family in America.
- The Obama Administration and Congress said their health plans would save money, but Congress's own Budget Office says **it will cost us an extra trillion dollars**.
- Since 1966, the Medicare Hospital Insurance payroll **tax rate has increased by 480 percent**, and unlike Social Security, the tax applies to every dollar of earned income. Yet, Medicare's Hospital Insurance Trust Fund is **already in the red and will go broke in seven years**.

Bungling federal, state, and local governments already spend over half of the nation's health care dollars – don't let them get their hands on the other half!

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They defend our democracy...

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In the last election, thousands of our military service members and other Americans overseas had no voice in the outcome, because they weren't given enough time to vote and have their votes counted. More than one-quarter of their ballots were returned as undeliverable, lost or rejected.*

Now Congress can change that, with a Defense Authorization bill that makes it easier for these citizens to participate in federal elections. At a minimum the bill must:

- ☑ **Require that ballots are sent out at least 45 days before an election**
- ☑ **Make voting information available electronically**
- ☑ **Expand the use of the Federal Write-In Absentee Ballot**
- ☑ **Remove outdated notarization requirements**

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*"Information for the Upcoming Senate Rules and Administration Committee Hearing on the Uniformed and Overseas Absentee Voting Act," Congressional Research Service, May 11, 2009.

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the weekly Standard

A Whiskey Tango Foxtrot Presidency?

The single most damning story about President Obama so far is one we know courtesy of his national security adviser, Jim Jones. Visiting the newly installed military commanders in Afghanistan in late June, Jones told General Stanley McChrystal that if he requested more troops any time soon, Obama would have a "Whiskey Tango Foxtrot" (i.e., "What the f—") moment. Jones then, in an interview, made the claim—denied by everyone else involved—that military leaders had agreed that when the president earlier sent 21,000 troops to Afghanistan, "there would be a year from the time the decision was made before they would ever come back and ask for any more."

Okay. Jones is in way over his head. And, we gather, he'll likely be gone by Christmas. But it's still a remarkable statement by the president's national security adviser. Afghanistan is a war Obama supported repeatedly as a candidate. One of his first acts as president was to recommit to success in the struggle. Yet Jones was willing to portray his boss, both privately and publicly, as timid and fearful of tough decisions.

What's worrisome is that most of Obama's senior advisers seem to be on the same page as Jones. We hear that Rahm Emanuel is counseling the president to figure out how to get out of Afghanistan rather than how to win. He's convinced that this is Vietnam redux, and that his job is to prevent Obama from going down the path of LBJ. The president's grand poobah for Afghanistan and Pakistan, Richard Holbrooke, who was shaped by his experiences as a young foreign service officer in Vietnam, has weighed in behind the scenes against McChrystal's coming request for more troops. Meanwhile, congressional Democrats, led by House speaker Nancy Pelosi and Senate Armed Services Committee chairman Carl Levin, are falling all over each other searching for the exits.

Of course this wing of the Democratic party—the dominant McGovern-Carter wing—has been wrong about just about everything in foreign policy over the last three decades. So maybe President Obama should look for guidance to another kind of Democrat. House Armed Services chairman Ike Skelton would be a good choice.

He is a 77-year-old Missourian in the Harry Truman tradition (indeed, his father was a good friend of Truman's). Last week, on the eve of the anniversary of 9/11, Skelton put out a statement titled "Americans Must Not Forget Why We Are In Afghanistan":

> America's security depends on our success in denying al Qaeda breathing room to plot future attacks on the U.S. and our allies. . . . Tragically, the attacks of September 11, 2001, were not al Qaeda's first acts of war against the United States. The same plotters were behind the 1993 attacks on the World Trade Center, the 1996 bombing of the Khobar Towers, the 1998 U.S. Embassy bombings in Tanzania and Kenya, and the attack on the USS *Cole* in the year 2000. And given the opportunity, al Qaeda would attack us again. We must keep al Qaeda on the run, as we have since 9/11.

Skelton reminded the president that "Now is not the time to lose our resolve. We must give our forces the time and resources they need to show progress in the fight against the enemies responsible for the attacks of 9/11."

General McChrystal and his boss, General David Petraeus, with the support of Secretary of Defense Robert Gates, are about to request additional forces needed to prevail in Afghanistan. We trust the president will approve their request—and if higher to lower risk options are presented, that he will choose the lowest risk option. That is, the option most likely to produce decisive results the most quickly.

The president must understand that this war is eminently winnable. He must understand what would be the consequences of retreat from the theater from which we were attacked eight years ago—for Afghanistan, for Pakistan, and around the world. Emanuel might want Obama to avoid being LBJ. But if Obama pulls out he will be Jimmy Carter—a post-9/11 Jimmy Carter. Not a recipe for a successful presidency.

This decision really shouldn't be based on politics. Obama should, as Ike Skelton suggests, remember 9/11. Previous generations of Americans remembered the Alamo and the *Maine* and Pearl Harbor. Surely this generation of Americans can remember 9/11 and act on the memory by winning the war in Afghanistan.

It's up to Barack Obama. Surely he doesn't want to be remembered for a Whisky Tango Foxtrot presidency?

— *William Kristol*

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The New Third Rail

Why 'death panels' are a political killer.

BY TOD LINDBERG

If Hogwarts were a school for politicians, there would be a required class on "Defense Against the Dark Arts of Demagoguery." President Obama considers his health reform effort a target of this dark art—indeed, he seems to view it as the main reason reform has faltered on Capitol Hill.

Here is the defense he mounted in his big speech to Congress this week:

> "Some of people's concerns have grown out of bogus claims spread by those whose only agenda is to kill reform at any cost. The best example is the claim, made not just by radio and cable talk show hosts, but prominent politicians, that we plan to set up panels of bureaucrats with the power to kill off senior citizens. Now, such a charge would be laughable if it weren't so cynical and irresponsible. It is a lie, plain and simple."

Professor Snape would not be impressed. At issue, of course, are the two words "death panels," uttered widely in opposition to Obamacare, most famously by Sarah Palin, the prominent politician to whom the president alluded. The phrase may indeed be "cynical" shorthand for a new government role in deciding on appropriate care as one nears the end of one's life; certainly it is polemical. And it may even be "irresponsible"—in exactly the same way that Democratic political operatives for decades have irresponsibly tried to frighten the elderly into believing Republicans were going to take away their Social Security benefits. But "laughable" is precisely what it isn't. End-of-life care is beginning to look a lot like a new third rail of American politics. Republicans will be happy to let Democrats learn this lesson the hard way.

Now, it is true that none of the proposed reform legislation calls for convening panels of government bureaucrats to make life-and-death decisions about the elderly on a case-by-case basis, with the power to shut off their medical care. Unfortunately for Obama, that doesn't make "death panels" a "lie, plain and simple." Rather, it is an exaggeration. When Obama responds to an obvious exaggeration with the rejoinder that it is not literally true, he is missing the point. The question is what this exaggeration is getting at. And the answer is that it is getting at something very real, the primal anxiety people feel about the end of their own lives.

It is just folly to pretend that this anxiety is anything but genuine among those who are getting on in years or who have received a diagnosis that looks to be life-threatening in the absence of treatment, and perhaps even with. And it is disingenuous in the extreme to pretend that the current reform effort doesn't have potentially large-scale implications for treatment decisions for the old and sick. Obama would like to ignore both points while blaming Republicans for making the whole thing up, but it won't work.

Since, as we all know, health care is expensive and the demand for it is vast, there has to be some way of settling the scarcity question. The current system is an unlovely hybrid with major deficiencies, but it has a couple of core virtues: Quality of care is first among them, but another important one is that for those with insurance or Medicare or Medicaid, care decisions are (within limits) mostly between people and their doctors, who take their Hippocratic Oath seriously. Even the limits have the virtue of being mostly known or knowable. True, people get unpleasant surprises from time to time about what's covered and what isn't; the system senselessly ties insurance to employment, inhibiting mobility, especially when "preexisting conditions" come into the picture. And it's not like the cost of insurance coverage and copays is going down. But there is an intelligibility and reliability to the system as it exists for those who are in it.

At a minimum, Obamacare introduces a major element of uncertainty. Of course nobody really knows what Obamacare is, including Obama; the term is a catch-all for whatever (if anything) Congress comes up with that the president can sign. But that's just another way of saying that overall uncertainty is high and rising, including on the issue of "end-of-life" care. And it won't do to try to alleviate the concern here by pointing to specific provisions of possible pieces of legislation and saying, "See, it's not there." Everything is up for grabs, and people don't like it when everything is up for grabs.

Then we have the more specific reasons for people to be concerned about who will be deciding what for them as they become sick or grow old. It is hardly fanciful to suppose that in a system in which resources are limited, global treatment protocols are going to decide eligibility for care in a way they do not currently. Likewise, people who *are* eligible for a particular treatment are going to have to wait in line until it's their turn. If there is any currently existing national health care system, such as the left dreams about, that does not contain these features, it's strange that no one has pointed to it to prove that health care, unlike everything else, need not involve tradeoffs.

The point for single-payer advocates, including in their "public option" guise, is that equality is the highest virtue, and that means equal access to what is available. It's simply unjust, in their view, that some people can afford high-quality care while oth-

THOMAS FLUHARTY

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ers get none: If the price of a universal system is that some lose privileges they have long enjoyed, that's the kind of a tradeoff they are prepared to make.

But old folks and sick people in the current system, or people thinking about either prospect, may not see it that way. The question they have is, "What's going to happen to me?" The baseline they have is the care the system around them currently provides. They are right to worry about changes to the system.

To the general problem of the need to find a basis for allocating finite health care resources, one must add certain specific anxiety-inducing details that have come out in the debate: First, the inclusion in some of the early legislative language of provisions funding end-of-life counseling sessions—the objective correlative of the "death panel" polemics.

Second, the quick ditching of the counseling proposal once the "death panel" rhetoric hit, fostering the impression that the proposal was indeed up to no good.

Third, Obama's own musing in a *New York Times* interview about whether the decision to provide a hip replacement to someone diagnosed with cancer (in this case, his grandmother) is "a sustainable model."

Fourth, his public reflections on the high health care costs associated on average with the last six months of a person's life.

Fifth, the statements of such supporters as Todd Gitlin, whose only criticism of a speech he found otherwise inspiring was: "You can say that he's still not willing to talk to Americans straight about the need to limit high-tech medicine for the very old and very frail. Presidents won't do that."

Sixth, the administration's insistent and probably misguided attempt to portray its health care reform as cost-cutting—reduced spending on the health care of *whom*, exactly?

At the end of Shakespeare's *Tempest*, Prospero, the greatest wizard prior to Albus Dumbledore, gives up his powers and prepares to "retire me to my Milan, where / Every third thought shall be my grave." People do brood about death, quite unbidden.

When they are *made* to brood about it, as in the case of the new focus on end-of-life care—previously known as medical care for the very sick and elderly—they are likely to resent the intrusion. And when the substance of the intrusion is a proposal that upsets the expectations they have formed on this most difficult of topics, many will be inclined to reject it. Obama's sinking job-approval numbers among seniors and the broad decline in support for the plan likely reflect these tendencies.

Obama will not dispel the anxiety by saying the rhetoric about "death panels" would be laughable were it not so irresponsible and cynical. You disrupt the expectations of the elderly only at great political peril, and there are more such Americans every day. ♦

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Technocracy in America

Obama neglects the real 'public option': listening to the public. BY MATTHEW CONTINETTI

The partisan and misleading speech that President Obama delivered to a joint session of Congress last week revealed the president's preferences—more government mandates, regulations, and taxes—when it comes to refashioning the American health care system. It also showcased the contempt for debate and smug sense of moral and intellectual superiority that is now as much a part of contemporary liberalism as sympathy with the nuclear freeze movement and the Rainbow-PUSH coalition was two decades ago.

The way the president expresses his disdain is telling. He assumes that, given the facts, any rational person would reach policy conclusions identical to his. "I have no doubt," he said, "that these reforms would greatly benefit Americans from all walks of life, as well as the economy as a whole." If only everybody had read Atul Gawande's June *New Yorker* article on McAllen, Texas, the president believes, then there would have been none of those rowdy town halls.

So why has the White House already missed its self-imposed deadline for reform? Why do more Americans disapprove than approve of the president's approach to health care? Why did Obama's approval rating drop steadily—among independents, precipitously—throughout the summer? The answer, he said, is "all the misinformation that's been spread over the past few months." There is no legitimate basis for opposition. There are only lies.

"Americans have grown nervous about reform," the president continued. "Prominent politicians" whose "only agenda is to kill reform at any cost" have spread "bogus claims" about his health care plan, scaring a gullible public into disapproval. For example, there is the "misunderstanding" that "federal dollars will be used to fund abortions." Some also "claim that our reform efforts would insure illegal immigrants," which is "false." And the idea that "we plan to set up panels of bureaucrats with the power to kill off senior citizens" is a "lie."

The president said that he "will continue to seek common ground in the weeks ahead," and if "you come to me with a serious set of proposals, I will be there to listen." Tell that to the Republicans who have been shut out from the legislative process on four of the five congressional committees working on health care.

"I will not waste time with those who have made the calculation that it's better politics to kill this plan than to improve it," Obama said, conveniently dismissing the widely held view that the best improvement to the Democrats' grandiose plans is to scuttle them and start over with a set of targeted insurance reforms—which could pass both houses of Congress with bipartisan majorities. No, Obama "won't stand by while the special interests use the same old tactics to keep things exactly the way they are," as if he did not already have the backing of all the special interests—the Pharmaceutical Research and Manufacturers of America, the American Association of Retired People, the American Hospital Association, Big Labor, etc. He "will not accept the status quo as a solution," as if that is what supporters of consumer-driven health care are advocating. "If you misrepresent what's in this plan," Obama said, "we will call you out."

Yet one could just as easily call out Obama for distorting the claims made against his proposals. In a world where money is fungible, Obamacare's taxpayer subsidies could indeed be used to purchase insurance plans that cover abortions. Furthermore, the president has not adequately explained how "the reforms I'm proposing would not apply to those who are here illegally" when (1) Democrats in the House Ways and Means and Energy and Commerce committees defeated amendments that would have withheld benefits from illegal aliens, (2) the president has not put forward an effective verification system of his own, and (3) who would ever tell José and Maria *No mas* when they show up at the emergency room in need of care?

The president was correct when he said that his proposals do not include "panels of bureaucrats with the power to kill off senior citizens." But that is not quite what the "prominent politician" was saying when she wrote,

> Democratic health care proposals would lead to rationed care; that the sick, the elderly, and the disabled would suffer the most under such rationing; and that under such a system these "unproductive" members of society could face the prospect of government bureaucrats determining whether they deserve health care.

Indeed, in his speech last week Obama said himself that his plan will "eliminate" the "hundreds of billions of dollars in waste and fraud" in Medicare and "create an independent commission of doctors and medical experts"—a panel, if you will—"charged with identifying more waste in the years ahead." It is no stretch of the imagination to think that one man's "waste" might one day turn out to be a senior citizen's preferred medical treatment.

Like it or not, Sarah Palin is making an argument about the possible tradeoffs and unintended consequences of Obamacare. Hers is an

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extrapolation based on an analysis of the facts. It is not a "lie," unless "lie" suddenly means "an argument with which I disagree."

By contrast, it was wishful thinking at best when the president claimed that "reducing the waste and inefficiency in Medicare and Medicaid will pay for most of this plan." Politicians have been trying to clean up after the entitlement programs in such a manner since Jimmy Carter first used the phrase, but costs keep rising. This did not stop the president from ducking behind a political cliché rather than level with the public about the real price tag of universal health insurance. Obama would rather keep company with straw men than grapple with substantive criticisms.

To acknowledge that his critics act in good faith would shake the president's oversized self-confidence. He alone is in possession of the truth, the only honest broker in a den of conservative thieves, the heir to the noblest traditions of American history. In the final passage of his speech, Obama invoked the late Ted Kennedy, whose name for many people carries associations in addition to "large-heartedness" and a "concern and regard for the plight of others." Kennedy's "passion" for unreconstructed liberalism was "born not of some rigid ideology," Obama said. Rather, Kennedy knew that "sometimes government has to step in."

Now is one of those times, apparently. "This has always been the history of our progress," Obama said, raising the question of whether he believes progress is ever possible *without* government. The champions of progress, Obama concluded, are always "subject to scorn" and "attacked as un-American." When progress battles with reaction, he went on, "facts and reason are thrown overboard and only timidity passes for wisdom." It gets to the point where "we can no longer even engage in a civil conversation with each other." Guess who's to blame.

In recent months the characterization of Obama's opponents as a bunch of lying name-callers who do not care about facts, do not possess reason, advocate timidity and the status quo, and cannot "engage in a civil conversation" has become all too familiar. It is the natural outcome of an unstoppable force—the angry and arrogant left-wing of the Democratic party—running up against an immovable object—the instinctual conservatism of an American populace that is skeptical of complicated and expensive government interventions.

The upshot has been liberals who cavalierly demean and degrade the sentiments of the people. Liberals contemptuous of democracy and ready to embrace from-the-top, one-size-fits-all, technocratic solutions. For such liberals, the failure to obtain their policy preferences calls into question the very legitimacy of the American polity. In August, the *Washington Post* business columnist Steven Pearlstein—who normally tries "not to question the motives of people with whom I don't agree"—found himself, like Howard Beale, mad as hell and not gonna take it anymore: "Republican leaders and their ideological fellow-travelers," he wrote, have "become political terrorists." Last week in the *New York Times*, Thomas Friedman wrote that America's "one party democracy is worse" than China's "one party autocracy," because in China "one party can just impose the politically difficult but critically important policies needed to move a society forward in the 21st century." In this week's *Time* magazine, Joe Klein worries that "the Limbaugh- and Glenn Beck-inspired poison will spread from right-wing nutters to moderates and independents who are a necessary component of Obama's governing coalition"; after all, if the moderates and independents knew what's good for them, they'd support Obamacare.

Isn't it possible, though, that the moderates, independents, and "right-wing nutters" who traveled to congressional town halls and voiced their opposition to the president's big-government initiatives *do* know what's good for them—or, at least, know that Obamacare may turn out to be bad for them? That it might be too costly and too onerous for an American economy with high unemployment and staggering fiscal imbalances? That today's reform, like others in the "history of our progress," may lead to unforeseen distortions and crises down the road? Fixated on its attempt to manipulate the economy in ways that produce its desired social outcomes, the White House has neglected the only real "public option": listening to the public. Determined to pass health care reform even over the objections of popular opinion, the Democrats are practicing a hubristic and antidemocratic politics.

And they will come to regret it. ♦

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Democratic Dissenters

How many House votes will Obamacare lose because of its abortion subsidy? BY JOHN MCCORMACK

Representative Bart Stupak isn't the type to yell "You lie!" while the president is addressing a joint session of Congress. But according to the soft-spoken pro-life Michigan Democrat, Barack Obama isn't telling the full truth when he says, as he did last Wednesday night, "no federal dollars will be used to fund abortions" in the congressional health care plan.

"There certainly is public funding for abortion" in the House bill, Stupak told me the day after Obama's speech. The bill would allow both the public health insurance plan and federally subsidized private plans to cover elective abortions. Stupak has asked repeatedly for a meeting—or even a few minutes on the phone—with Obama to clear up any misunderstanding, but the White House hasn't granted his requests. "I just jumped Rahm Emanuel again this morning" to ask for a meeting, Stupak said Thursday.

The White House might want to reconsider its cold shoulder, because Stupak may have enough votes to keep the health care bill from making it to the floor of the House. Stupak says that if Nancy Pelosi and Rules Committee chairman Louise Slaughter do not allow an up-or-down vote on his amendment to explicitly ban coverage for elective abortions in the bill, he's going to lead a coalition of Democrats to vote with the Republicans "to try to take down the rule." That would keep the bill from moving out of the committee to the floor.

Stupak has worked the issue diligently and is convinced that he has almost 40 Democrats willing to vote against the rule. Combined with united Republican opposition, and a defection or two from the fiscally conservative "blue dog" Democratic caucus, that would be enough votes to block the bill.

Bart Stupak

So far, the Democratic leadership isn't promising Stupak an up-or-down vote on his amendment. Slaughter won't commit to allowing a vote, and Nancy Pelosi was similarly noncommittal when asked last Thursday. Abortion funding is already "out of the health care bill," she told me.

"She knows better than that," Stupak said. Indeed, she must. Under an amendment written by pro-choice Democrat Lois Capps, the Health and Human Services secretary is explicitly authorized to include abortion coverage in the public health insurance plan. The amendment mandates that the public plan cover abortion if the Hyde amendment, which bans federal funding of abortions through Medicaid except in cases of rape, incest, and life of the mother, is repealed. Obama's HHS secretary Kathleen Sebelius will almost certainly include abortion coverage.

To buy into the public plan, each person would have to pay member dues (premiums), including "not less than $1 per month" into a special U.S. Treasury account that would be used to pay abortion fees. The Capps amendment, which was approved 30-28 in committee, requires at least one (federally subsidized) insurance plan covering elective abortions (and one not covering abortions) to be offered to those purchasing health insurance in the private health insurance "exchange."

Supporters of the amendment argue that it bans federal funding of abortion because it specifies that abortions should be paid for through an individual's premiums rather than through federal subsidies. So, say that an individual contributes $500 to purchase a health-insurance plan, and the government contributes $3,000. When the bill comes due from an abortionist, he will theoretically be paid out of the $500 in premiums rather than the $3,000 of taxpayer-money.

Douglas Johnson, the National Right to Life Committee's legislative director, calls it a "bookkeeping scheme" and an "idiosyncratic definition of 'public funds' that would never be accepted for five minutes if the issue weren't abortion."

Rachel Laser of the pro-choice group Third Way argues that the Stupak amendment would deny abortion coverage to many women who currently have it if they are dropped

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from their employer-based plans and need to purchase the government-run or government-subsidized plans. She says that "87 percent of [employer-based] insurance plans do offer abortion coverage." This much-reported number comes from a study by the (pro-abortion) Alan Guttmacher Institute. But the figure is misleading—it reflects only abortion coverage provided "when considered medically necessary or appropriate by the health care provider." As Kathleen Sebelius testified during her confirmation hearing, "Most private plans do not cover abortion services except in limited instances." According to a 2001 study by experts at the Guttmacher Institute, only 13 percent of women purchasing abortions use private insurance to do so.

Nonetheless Laser contends that the Capps amendment strikes a "delicate moral balance." Rick Warren, the megachurch pastor and bestselling author, who has stayed out of the political spotlight since he delivered the invocation at Obama's inauguration, would say the opposite. "The purpose of health care is to save life, not eliminate it," he wrote in an email. "Any national health plan that supports the killing of future Americans is an ethical contradiction and a moral absurdity."

Obama and Pelosi risk alienating a large swath of voters by legislating federally funded abortion-on-demand. While the media have largely focused on opposition to the health care bill by fiscally conservative Democrats, there are plenty of pro-life and even pro-choice Democrats who simply don't approve of federal funding of abortion.

"I'm not a blue dog, a yellow dog, a stray dog, or a hot dog," Bart Stupak told me. "I'm just a plain old Democrat." Stupak's "Liberal Quotient" rating by Americans for Democratic Action was 95 percent in 2007 and 90 percent in 2008.

But voting with the left nine times out of ten apparently isn't enough to get Stupak an up-or-down vote on his amendment in the Democratic party of Nancy Pelosi and Barack Obama. ♦

'Environmental Justice'

The Van Jones backstory.

BY STEVEN F. HAYWARD

So Van Jones now takes his place as the Lani Guinier of the Obama administration, undone by his radical views. Like Guinier, the ousted "green jobs" czar will doubtless employ his political martyrdom to transform himself from a minor celebrity of the left into a major celebrity of the left, with a lucrative book contract and Chomsky-level speaking fees on the college lecture circuit. But the Jones case illustrates the confluence of the environmental and civil rights movements in a way that exposes the senescence of both.

I first started hearing about Jones a few years ago from far-left environmentalists—typically Greenpeacers—on college campuses. From their effusiveness I thought Jones must be something new and different. But minimal research revealed Jones to be merely a flamboyant purveyor of the usual green clichés, such as how we can produce "green jobs" in the ghetto if only we massively subsidize uncompetitive technologies. The only thing new and different about him was his skin color, which is precisely what made him so attractive to the overwhelmingly upper-middle class white environmental movement. Jones found it easy to graft civil rights grievances to environmental paranoia in a seamless way that would do Jesse Jackson proud. For this he quickly became, as the *Washington Post* described him, "a towering figure in the environmental movement."

In charging that "white polluters and white environmentalists" were "steering poison into the people-of-color communities" because they lacked a "racial justice frame," Jones was hitting environmentalism at its weakest spot. Environmentalism has always suffered from the stigma of being predominantly a wealthy, elitist movement. The average dues-paying member of an environmental organization, surveys have found, enjoys a household income more than twice the national median, and the membership of most organizations is overwhelmingly white.

At the time of the first Earth Day in 1970, most civil rights leaders had no use for environmentalism, and many voiced strong opposition to its emergence. Richard Hatcher, the black mayor of Gary, Indiana, remarked: "The nation's concern for the environment has done what George Wallace was unable to do—distract the nation from the human problems of black and brown Americans." Whitney Young of the National Urban League was equally distressed: "The war on pollution is one that should be waged after the war on poverty is won. Common sense calls for reasonable national priorities and not for inventing new causes whose main appeal seems to be in their potential for copping out and ignoring the most dangerous and pressing of our problems." The August 3, 1970, issue of *Time* quoted someone it identified only as a "black militant" in Chicago: "Ecology? I don't give a good goddamn about ecology!" Not surprisingly, environmental organizations are extremely sensitive to this problem,

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and go out of their way to emphasize diversity, practicing their own version of affirmative action to boost minorities in their membership and on their professional staffs.

It was perhaps inevitable that the civil rights movement and the environmental movement would eventually merge under the banner of "environmental justice." Some leaders among the new wave of environmental activism that arose in the late 1960s modeled themselves explicitly on the civil rights movement. The Sierra Club's Fred Eissler declared in 1969: "What we need is an environmental rights movement along with a civil rights movement." But it has brought out the worst instincts of both movements, combining frivolous charges of racism with unfounded environmental scares. For much of the civil rights movement, it is always the Edmund Pettus Bridge in Selma; for much of the environmental movement, the Cuyahoga River is always burning. Christopher Foreman of the Brookings Institution, author of the best dispassionate study of the issue, *The Promise and Peril of Environmental Justice* (2000), notes that "the flexible locution 'environmental justice' is inherently provocative and was intended to be so." Indeed, it is not unusual to hear industrial siting decisions near minority communities labeled "genocide."

It is not clear which of the two movements has been degraded the most by this unlikely marriage. The environmental justice mongers like Jones have trivialized and marginalized an idea that has some merit if applied sensibly. The distributional effects of environmental regulations are a legitimate concern; land use regulations that are variously described as "exclusionary zoning" and "redlining" are valid examples of abusive regulation that disproportionately constricts the choices and opportunities of low-income households. But the dominant spirit of environmental justice is radical egalitarianism, and this is what comes to the fore in Van Jones's embrace of the cause—another handy means to smash capitalism.

The nub of environmental justice is whether classic LULUs (locally undesirable land uses, i.e., landfills, chemicals plants and refineries, toxic waste dumps, and so forth) are sited disproportionately and deliberately near minorities, and whether this possibility is taken into account in the permit review process for siting new facilities. As common sense would suggest, in many cases poor neighborhoods grew up around existing refineries and chemical plants because the land was cheap. But even in cases of the siting of new facilities near poor neighborhoods (again, because land there is cheap), it needs to be kept in mind that stringent new source regulations are designed to ensure zero health risk to surrounding residents. Brookings's Foreman observes: "Once contrary findings and thoughtful criticisms are taken adequately into account, even a reasonably generous reading of the foundational empirical research alleging environmental inequity along racial lines must leave room for profound skepticism regarding the reported results."

Indeed, there is scant evidence of "disparate" environmental harm to minorities and the poor. Data on environmental health is only broken out by race in one government data series, the Centers for Disease Control's *National Report on Human Exposure to Environmental Chemicals.* The CDC tracks levels of over 125 chemicals and heavy metals in human blood and urine. In some cases, such as blood lead and phthalates, blacks and Hispanics have higher levels than whites; in other cases, such as cadmium and some polycyclic aromatic hydrocarbons (PAHs), blacks and Hispanics have *lower* levels than whites. (In a few cases, such as cesium, the level detected in whites is twice as high as in blacks or Hispanics.) In still other cases, such as mercury, there is little difference between races.

In sum, at the general level there is no evidence in the CDC data that racial minorities experience higher exposure to environmental chemicals than whites on a national scale. And there is considerable uncertainty about the source of chemical exposure where differences do exist. The CDC notes: "It is unknown whether differences between ages or races/ethnicities represent differences in exposure, body-size relationships, or metabolism."

The CDC does make special note of a study that found higher levels of some environmental chemicals correlated with low incomes. But a correlation with income is a very different matter than race. Low income correlates with poor health outcomes on a broad range of risk measures beyond environmental exposures. Christopher Foreman comments:

> Environmental justice proponents generally eschew personal behavior (and necessary changes in it) as a primary variable in the health of low-income and minority communities. . . . Telling neighborhood residents that an unfamiliar and unwanted company is fouling the local air or water, and perhaps threatening their children, sets the stage for effective community protest even when the actual health risks at stake are negligible. But reminding residents that they consume too many calories, or the wrong kinds of food, is likely to appear intrusive, insensitive, or simply beside the point.

Still, stoking the passions of the civil rights and environmental community is a twofer that is irresistible to liberals. In 1993 President Clinton issued an executive order requiring that "each federal agency shall make achieving environmental justice part of its mission," setting in motion lots of interagency working groups to coo over the matter and issue "guidelines." In 2003 the U.S. Commission on Civil Rights entered the fray with a tendentious report that repeated all of the usual clichés and ignored the rigorous evidence against the idea of racism in industrial siting decisions. Although almost all environmental attention these days centers on climate change and energy, it is a safe bet that the Obama administration is going to crank up the environmental justice bandwagon again. Don't be surprised if private citizen Van Jones is in the vanguard. ♦

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Total Recall

The bid to oust America's most leftwing mayor.

BY ETHAN EPSTEIN

Portland, Oregon

In recent years, Portland has become a fêted city among American liberals. What with its "fair-trade" coffee fixation, strict urban development rules, and bike-friendly transportation policies (despite its famous hills and rain), this sleepy corner of the Pacific Northwest has come to epitomize the bobo ethos. The election last November of an ultra leftist mayor only confirmed the progressive march of what was once a conservative logging town.

Now, less than a year into his first term as mayor, Sam Adams finds himself in hot water, fighting for his political life against a tenacious, grassroots recall campaign.

Adams's possible downfall is the result of yet another political sex scandal. During the mayoral campaign, questions were raised about the candidate's relationship with a male legislative intern who was 17 when Adams, a member of the city council, was 44. The candidate vehemently denied any untoward behavior, labeling the allegations, in true John Edwards fashion, "scurrilous" and imputing homophobia to his accusers. The story died down, and with the support of the city's political and media establishment, Adams carried a healthy 58 percent of the vote.

The honeymoon was brief. In late January, just days after the mayor's inauguration, a local alternative paper confronted Adams with evidence of an affair. He was forced to admit that he had, in fact, had a sexual relationship with the intern, one Beau Breedlove. And he admitted not only lying to the public, but asking Breedlove to lie publicly as well. Adams, however, denied breaking any laws, claiming the two had only been "friends" while the intern was underage. Adams asserted, moreover, that the teenager had "initiated," and was therefore responsible for, the liaison.

Within days, Portland's daily newspaper, the *Oregonian*, its two largest weeklies, and its leading gay magazine had demanded that the mayor resign. The state attorney general initiated a criminal investigation into the possibility of statutory rape, spurred by Breedlove's contention that he and Adams were involved before he turned 18. A grassroots campaign to recall the mayor, spearheaded by a local college student, took off. But Adams, after a brief "period of reflection," declined to step down.

Sam Adams

His short tenure in office has been marked by myriad failures: confusion over the siting of a planned baseball stadium, constantly shifting plans for a new bridge to Vancouver, Washington, and high unemployment. Even the proudly environmentalist mayor's plan to charge shoppers for using plastic bags has gone nowhere. And while Adams will not be indicted (the attorney general's office could not corroborate Breedlove's claim), the recall campaign continues.

Some 500 volunteers are circulating petitions all over Portland demanding a vote. Facing an October 5 filing deadline, they have collected nearly half of the required 32,000 signatures.

The recall campaign is deliberately positioned as nonideological. Jason Wurster, the Portland State University undergraduate who is leading the effort, is a self-described "progressive" and "member of the bicycling community." He got his start working on political campaigns during Ralph Nader's 2004 bid for president.

The message of the campaign is simple: Adams abused his power by having a sexual relationship with a teenage intern, then broke the public trust by lying about it. While Portland's few conservatives are largely backing the effort—Wurster estimates that about half the campaign's volunteers are on the right—ideology may not be what motivates them. Says Wurster, "This is about restoring public trust in government."

That message has not stopped angry defenders of Adams from harassing campaign volunteers. Last month, a local journalist approached a signature collector, claimed he wished to sign the petition, and then scribbled all over the sheet, invalidating signatures in the process. Other volunteers have been subjected to profanity-laced screeds including the omnipresent charge of "homophobia" from passersby. Adams himself has kept his response to a minimum, but Randy Leonard, Portland's city commissioner and a close ally of the mayor, has made profanity-laden charges imputing bad faith to recall volunteers.

With mere weeks until the petitions come due, it remains to be seen whether enough valid signatures will be collected to put the measure on the ballot. If it does come to a vote, the result will show just how far the people of Portland are willing to extend their ballyhooed "tolerance." ♦

Ethan Epstein is a writer in Portland, Oregon.

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Words and Deeds

Worn-out tactics in the Old Dominion.

BY GARY ANDRES

A familiar refrain haunts Virginia politics these days. Democrats in the Old Dominion are whistling their favorite number: Republican gubernatorial hopeful Bob McDonnell is—cue the scary tune—"too extreme for Virginia."

The November 2009 governor's race is already generating national attention. It's one of only two statehouse contests this year (the other is in New Jersey), and the Democrats' first real electoral test in the Age of Obama. Democrats have controlled the governor's mansion in Richmond for the past eight years. And the state moved into the Democratic column last November for the first time since 1964 at the presidential level. So a Republican win could signal the beginning of a GOP comeback—both in Virginia and nationally.

As the campaign enters its final two months, polls show Democratic candidate Creigh Deeds trailing by more than ten percentage points, but the race will no doubt tighten. Democrats believe they have found a silver bullet in McDonnell's socially conservative views. The *Washington Post* has spent most of the past two weeks reminding its Northern Virginia readers that McDonnell wrote a thesis on the "Republican Party's Vision for the Family," in which he defended "the importance of the family in its God-ordained covenantal form" while working on a master's degree at Regent University in 1989. As a result, Republicans are bracing for a nasty campaign straight from political central casting that portrays the GOP standard bearer as a religious zealot.

Never mind that McDonnell—the state's former attorney general—premised his campaign on inclusion, pragmatism, and competence, not social issues. Or that he spent 14 years compiling a record in the state's House of Delegates. Or that the suburban Northern Virginia native offers detailed solutions to front-porch concerns such as improving schools, reducing traffic congestion, and bringing jobs to the state.

Deeds might not catch up on those issues. So a caricature that sends shivers through minivan-driving suburban swing voters is just what is needed. Paint McDonnell as a right-wing, anti-abortion, Bible-thumper. And call on the *Post*—always a reliable ally of Virginia Democrats—to provide the bullets for political character assassination.

Team Deeds won't win any originality awards for these tactics. Democrats and their allies used them against George Allen in the 2006 Senate race and, remarkably, even against John McCain in 2008. Why change a winning formula? "Trying to make McDonnell unacceptable to Northern Virginia women is probably the only thing that can save Deeds at this point," a Democratic operative in the state told me.

The electoral texture of the state, though, feels different this year. Echoes of 2008 are still fresh, but words like "change," "hope," and "post-partisanship" strike many as less believable than they were a year ago. The Obama track record makes campaigning here a special challenge for Democrats this cycle. The tactics of 2006 and 2008—when the state's independent voters (about a third of the electorate) were weary of Republicans—carry less punch today. "McDonnell doesn't have the baggage McCain had," a longtime Democratic activist told me.

Other state dynamics also hamper Deeds. Tim Kaine, the current governor, "had the luxury of succeeding Mark Warner, who was very popular," a Democratic activist in the state says. "Kaine is not Warner, and his additional role of chairing the Democratic National Committee isn't helping Deeds control the impact of national events," he adds. "That's not a good thing with the Democrats' national numbers falling."

Virginia also has its own tradition of political reaction. Since 1977, in every gubernatorial contest following a presidential election, the state has voted in the party that lost the White House a year earlier.

Some believe Deeds, a state legislator from rural Bath County on the far western edge of the state, is not well enough known to pull off a successful effort in the politics of personal destruction. Negative campaigns can produce powerful results, but they're not infallible. Attacks punctuate a narrative; they don't write the whole story. "Too many Virginians don't know Creigh Deeds. He runs the risk of just sounding nasty, mean, and negative," a longtime Republican activist told me.

The McDonnell campaign's internal research provides another reason why the negative attacks may not stick: McDonnell's likability. "He comes across more like the kind of guy you want to have a beer with or that coaches your kid's Little League team," one Northern Virginia supporter told me. "You make him out to be some kind of Elmer Gantry and people say, 'What?' It just doesn't fit." "People who know him and worked with him in Richmond think he's a good and decent guy," a Democrat with close ties to the state legislature told me. "Deeds is scrambling to find something that will work," he added.

Then there's the issue of undecided Obama supporters. Part of the Democratic presidential candidate's appeal was his promise to rise above the polarized politics of the past. No matter what you think about the veracity of those claims, it inspired and motivated a bloc of voters. Deeds runs the risk of alienating them with harsh attacks. *National Journal*'s Amy Walter wrote recently that Democratic gubernatorial candidates in both Virginia and New Jersey want to turn back the

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clock. "There isn't much 'Yes We Can' or even 'Hope' coming from the two Democrats running for governor this year." She's right.

Amplifying Deeds's attacks is the Democrats' amen corner—liberal 527 organizations and the *Washington Post*. The *Post* has run at least 35 articles, editorials, blog posts, and cartoons in less than two weeks about his 20-year-old graduate thesis. But a new Rasmussen poll shows the flap resonates most with self-identified Democrats. "When the [thesis] story broke I thought it was the first time Deeds had a chance," a Virginia Democrat told me. "I wrote him a check after reading the story."

The newspaper's saturation coverage is fodder for Deeds's campaign in another way, too. They are trying to change the subject away from McDonnell's plans for jobs, education, and transportation, and the paper's lack of attention when McDonnell raises those issues helps.

But the *Post*'s song is getting repetitious, and its predictable lyrics may annoy rather than persuade voters. Deeds, the Democrats, and perhaps even the *Post* will redouble their efforts in the next few weeks, hoping they can chip away at McDonnell's image, particularly in the vote-rich, independent-minded Northern Virginia suburbs. But it might backfire. Despite the potential bang of the negative campaign, citizens of the commonwealth, like other places, care more about a politician's record than his college papers. ♦

What's Going on in Pyongyang?

North Korea responds to sticks, not carrots.

BY GORDON G. CHANG

On August 29, the North Korean government released four South Korean fishermen whose boat had strayed into Northern waters a month earlier. The return of the crew came shortly after the freeing of a South Korean manager in the Kaesong industrial zone, detained in March for making derogatory comments about the paradise formally known as the Democratic People's Republic of Korea. And early last month, Kim Jong Il, the North Korean supremo, personally pardoned two American journalists accused of spying and allowed Bill Clinton to take them home.

The release of the hostages was accompanied by overtures to both the United States and South Korea, Pyongyang's two main adversaries. First, in an unmistakable sign it wanted to talk, the North sent diplomats to New Mexico, whose governor, Bill Richardson, they consider a trusted interlocutor. Days later, North Korean envoys traveled to Seoul for the funeral of former president Kim Dae-jung, carrying a message from Kim Jong Il to South Korea's current leader, Lee Myung-bak.

While Pyongyang is suddenly showing its best side, prior to August, it had revealed its worst. In the first months of this year, it was issuing almost daily threats against South Korea. Then, beginning in early April, it launched a long-range missile, detonated a nuclear device, announced the resumption of plutonium production, terminated the Korean war armistice, and launched cyberattacks on South Korea and the United States.

The about-face coincides with an apparent recovery in the health of Chairman Kim, who looked surprisingly robust in the pictures of him interacting with, and apparently lecturing, Clinton and his delegation. It is tempting to conclude Kim has wrested power back from his generals, who appeared to be in command in the early part of the year when Kim looked as if he were dying.

Kim's resurgence has predictably given new life to calls for renewing our engagement with Pyongyang. "As North Korea experts know, the country has long wanted to improve relations with Washington," wrote Han Park, a University of Georgia professor, at the end of last month in the *Los Angeles Times*. "Now that a back channel has been opened courtesy of Clinton, the Obama administration should open a direct channel of negotiations with Pyongyang." But the risks remain unchanged.

The Obama administration famously came into office willing to extend the open hand to autocrats. Its early efforts to begin discussions with the North Koreans, however, were rebuffed, and by late spring the conclusion was that the Pyongyang regime was not interested in talking to either the United States or the broader international community. The North, after all, had stated in clear terms it would not participate in the so-called six-party talks sponsored by Beijing.

The most urgent—and important—item on the agenda of any negotiations is North Korea's nuclear weapons program and its sales of weapons technologies to hostile regimes, especially Iran and Syria. The United States has been talking about these issues directly with the North since June 1993. Negotiations since then have been bilateral and multilateral, formal and informal. Every conceivable format has been tried at least once, and the talks have been everything but successful.

Almost everyone says that diplomacy carries no cost. Yet that is not true. In June 1993 North Korea did not have the bomb. Today, after two detonations, we know it does. In short, negotiations have given the dangerous despots in Pyongyang what they needed most in

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order to arm themselves: time. Now, North Korean technicians are using time to shrink their nuclear devices and mate them to their missiles, which they are also improving, and to advance an uranium enrichment program revealed this month in a dramatic announcement. We have, thanks to the directionless policies of the Clinton and Bush administrations, allowed Kim Jong Il to become a real threat.

The Obama team had indicated it wanted to "break the cycle" of long negotiations leading to broken agreements by cordoning off North Korea from the rest of world. Its renewed emphasis on pressure explains the sanctions imposed last week and during the last three months on North Korean trading firms and a bank.

And, so far, other nations are cooperating in the general effort. China, in June, seems to have exerted pressure on Burma to not allow a North Korean freighter, which was thought to be carrying an illicit cargo, to dock. In July, Italy seized two yachts bound for the North. China announced it had confiscated a shipment of vanadium—used to stiffen steel in missile casings—and suspended a bronze mining project in North Korea with a company targeted by U.N. sanctions. Japan obtained the guilty plea of a company boss for exporting tanker trucks, possibly for use in the North's missile program. Last month, the United Arab Emirates seized an Australian ship carrying North Korean small arms to Iran.

The State Department's Philip Goldberg is in charge of American efforts to enforce sanctions on Pyongyang, and he has been racking up the miles making sure that Asian nations tighten their rules. He's optimistic. "We've seen some indication that the overall effort is working," he said in Tokyo late last month. "Our goal is to return to the process of denuclearization," Goldberg said, in an earlier stopover in Seoul.

That was also the goal of the Bush administration when in September 2005 it designated a Macau bank, which had been handling North Korea's funds, a primary money laundering concern. This cut the bank off from the global financial system, and North Korean diplomats were suddenly carrying large amounts of cash in suitcases. Pyongyang was forced to return to the bargaining table to talk about its nuclear weapons program. President Bush, unfortunately, lifted the effective sanction too early, and Kim Jong Il rewarded Washington's leniency by boycotting the disarmament talks. The risk now is that the Obama administration will also ease its measures before the North completely, verifiably, and irreversibly gives up its nuclear arsenal. Unfortunately, this could happen. Last Friday, the State Department reversed a longtime policy by announcing it would participate in bilateral negotiations with North Korea outside the framework of the six-party talks.

So we will now find out if the Obama administration, in the face of North Korea's smile diplomacy, can maintain momentum in keeping the global community together behind sanctions. "We just want to make sure that the government of North Korea is operating within the basic rules of the international community," Obama said in August. The North Korean state is not following the rules, and, in any event, that goal is not good enough. If we have learned anything over the course of six decades, it is that the Kim regime cannot accept global norms.

Kim Dae-jung once observed that the North Koreans "keep making the same mistakes over and over again." The United States is guilty of repeating old errors as well. That is perhaps the major reason why a destitute North Korea so often gets the better of the world's most powerful state. ♦

The Meltdown Next Time

The financial danger nobody knows about.

BY ELI LEHRER

When the insurance giant American International Group was threatened with collapse in late 2008, its credit default swap business and other international operations were cited as the heart of its troubles. But the largest consequence of AIG's uncontrolled failure on consumers' pocketbooks could have come from the domino-like collapse of its businesses writing insurance on boats, cars, homes, lives, and just about everything else. If these businesses fell apart as a result of AIG's overall collapse, the argument went, the contagion could have brought a collapse of everything from retirement savings plans to auto insurance claims payments from companies unconnected to AIG. (In theory, the operations were firewalled from AIG's other operations, but the extremely slow rate at which they've found buyers indicates that many had significant exposure to the company's other woes.)

The source of the spreading trouble would have been an obscure, dated, and potentially dangerous system intended to make sure that insurance claims are paid even if an insurer becomes insolvent. This system, called state guarantee funds, has almost miraculously remained untested by the present financial crisis, but it poses a major worry for anyone looking to prevent future financial crises, or even a continuation of the current one.

Each of the 50 states runs its own guarantee fund. Any insurance company wanting to write insurance poli-

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cies in a state must join its guarantee fund. The fund, usually operated by an industry-selected board technically independent of the government, serves as a receiver for insurers that become unable to pay their likely claims. The money to bail out these insolvent insurers comes from forced asset sales but mostly from assessments on the still-solvent insurers in a state. When there are no insolvencies, participation in guarantee associations costs next to nothing. When assessments come due, companies must immediately pay in proportion to their market share. In most states, they can pass on the assessments to policyholders but actually getting the money can take months or years. Although the amounts of individual claims covered by the guarantee funds differ (most are limited to either $300,000 or $500,000), there's no national cap on any insurers' total liability. (Since annuities—private, self-funded pensions—are generally sold as part of life insurance policies, the system also secures vehicles that look a lot more like investments than insurance.) Guarantee funds are obscure even to industry insiders: Most large insurers have policies against even mentioning them in their sales pitches, and several states forbid insurance agents from talking about them unless asked specifically.

The guarantee fund system has two important differences from the similar ones that back bank deposits (the Federal Deposit Insurance Corporation) and investments (the Securities Investor Protection Corporation). First, guarantee funds charge no annual premiums, and thus every penny they spend has to be rapidly raised. Second, unlike the FDIC, guarantee funds have no enforcement authority. Any effort to prevent insolvencies is carried out by state regulators who turn things over to guarantee funds only if they fail to prevent the collapse of a company.

As a result, the system carries an intrinsic danger: Medium-sized insurers—like Vermont Mutual or the Farm Bureau-affiliated insurers in most states—may have large market shares in one state but small or nonexistent operations elsewhere. Paying market-share based assessments for the collapse of a national rival could put them out of business almost immediately. Thus, a large assessment, due immediately, could cause further collapses and start a vicious cycle and bring down even more companies. Even if a regulator, aware of the risk, lets a company "fake it until it makes it" or extends government-backed credit, the private insurance-rating firms like Standard and Poor's and A.M. Best have no incentive to play along, and lenders would likely pull the credit lines that insurers need. The risk that this could happen is not negligible. Currently, one large insurer, the Hartford, has accepted TARP funds to stay afloat.

So far, however, the system has survived. In the past two decades, only two companies ranking in the nation's 100 largest—Florida's Poe National (which collapsed in 2006) and California's Executive Life (which went under in 1991)—have tested the system. Both states saw small and medium-sized insurers flee in the wake of these assessments. In Virginia, likewise, the unexpected collapse of Shenandoah Life Insurance (well-rated by private rating agencies) earlier this year put several small carriers on the ropes.

Two options for reducing the risk of the guarantee fund system have presented themselves.

First, guarantee associations could be pre-funded in a manner similar to the FDIC. New York State has, since the mid-1980s, pre-funded its guarantee associations. The existence of an already-in-place fund greatly decreases the possibility of cascading insolvencies by reducing the need for, and amounts of, sudden assessments. Pre-funding, though, has drawbacks. First, states might raid the funds. In 2006—as several times before—the New York state legislature tried to use the guarantee funds to bail out an ailing workers' compensation fund. Second, the greater costs of pre-funding will almost certainly end up in consumers' insurance bills. And consumers don't want to pay higher rates.

A national guarantee fund with essentially the same structure as the existing state funds is another option. Legislation now pending before Congress proposes one as part of the creation of a federal insurance regulator. The current version of this legislation, the National Insurance Consumer Protection Act, would start a national guarantee fund while still requiring national insurance companies to continue to participate in every state's guarantee fund. Although this would reduce the ability of one company's collapse to have a massive negative impact on large companies or the overall economy, a system of dual guarantee funds could well prove even more destabilizing to small and medium-sized companies than the current system in that it would essentially double their exposure to other companies' insolvencies.

Although no perfect solution exists, the best way to reduce the risks of the guarantee fund system probably lies with trying both ideas: a pre-funded agency for annuity insurance as part of a broader reform of retirement savings and a national fund for everything else.

Pre-funded annuity insurance will almost certainly become a political necessity if the country becomes serious about replacing Social Security. Given the amount of money involved in the collapse of any sizeable annuity provider, the assessments would prove just too much a shock to the insurance system. Such a system would probably have to figure out a way to distinguish between the "insurance" and "investment" components of these annuities and work to provide a partial safety net rather than an absolute "your money is safe" guarantee.

For the automobile, homeowners, and other insurance policies, the national guarantee fund option before Congress would significantly reduce risk. Although the collapse of any enormous insurer would still rattle the system, cascading insolvencies would be very unlikely. The system wouldn't be totally safe, particularly if insurers still had to participate in state guarantee funds, but its enormous assessment base would make it more stable and mitigate a lurking threat to the health of the economy. ♦

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An Unnecessary Operation

Obamacare threatens what's right with American health care

By Fred Barnes

This is the poll number that drives supporters of Obamacare crazy: Eighty-nine percent of Americans in a June 2008 ABC News/*USA Today*/Kaiser Family Foundation survey said they were satisfied with their health care. Put another way, more than 270 million Americans (I'm including kids) are reasonably happy with the system of medical care in this country. Other polls have found the same level of satisfaction.

One reason is the availability of first-rate care almost everywhere, day or night. But there's a more important reason: If you have a serious ailment, your chances of survival are better when treated in America than anywhere else in the world. Sure, the system has flaws, shortcomings, and inefficiencies. It probably costs too much. But if your goal is to live longer, then American doctors and American hospitals are your best bet.

Americans appear to understand this. So do the 400,000 foreign patients who come here every year for medical care. "Not too many people get on a plane and fly to Cuba or to France" to see a doctor, says Dr. Stanley Goldfarb, associate dean of clinical education at the University of Pennsylvania School of Medicine and an expert on worldwide health care systems.

Why would they go anywhere but here? America provides timely access—and not just for the wealthy—to the latest and most innovative technology, a full array of breakthrough drugs, and the top medical specialists. "If you have an acute illness, this is the country to get your care," Goldfarb says. "If you're not that ill, other countries are great."

Even if you're not seriously ill, American doctors have more to offer. The two most significant innovations for patient care in the past decade are magnetic resonance imaging (MRI) and computerized tomography (CT), according to Dr. Scott Atlas, chief of neuroradiology at Stanford University Medical School. The United States has 27 MRI machines per million Americans. Canada and Britain have 6 per million. The United States has 34 CT scanners per million. Canada has 12 per million, Britain 8.

For critical illnesses such as cancer and heart disease, the survival rates in the United States are significantly higher than in Europe or other countries. There are clinical data substantiating this, for all cancers and for the most common cancers.

And utilization of MRI and CT technology has become routine in America. My wife had an X-ray after injuring her ankle last spring and the diagnosis was she'd broken a bone. When it was slow to heal, she had an MRI, which revealed she'd actually torn a tendon. Now her ankle is healing.

Our share of the cost was minimal. Health insurance pays for tests, and you don't need a Cadillac policy to be covered. A little-known fact: Out-of-pocket expenses by American patients amounted to 12.6 percent of total national health spending ($2.24 trillion) in 2007.

That's one of the lowest percentages of private out-of-pocket spending among the world's advanced countries—lower than Germany, Japan, Canada, and most countries in Europe, including those with government-run health care systems. Why do Americans get more and pay less? Because their insurance policies provide broader coverage than most government plans, says Tom Miller of the American Enterprise Institute.

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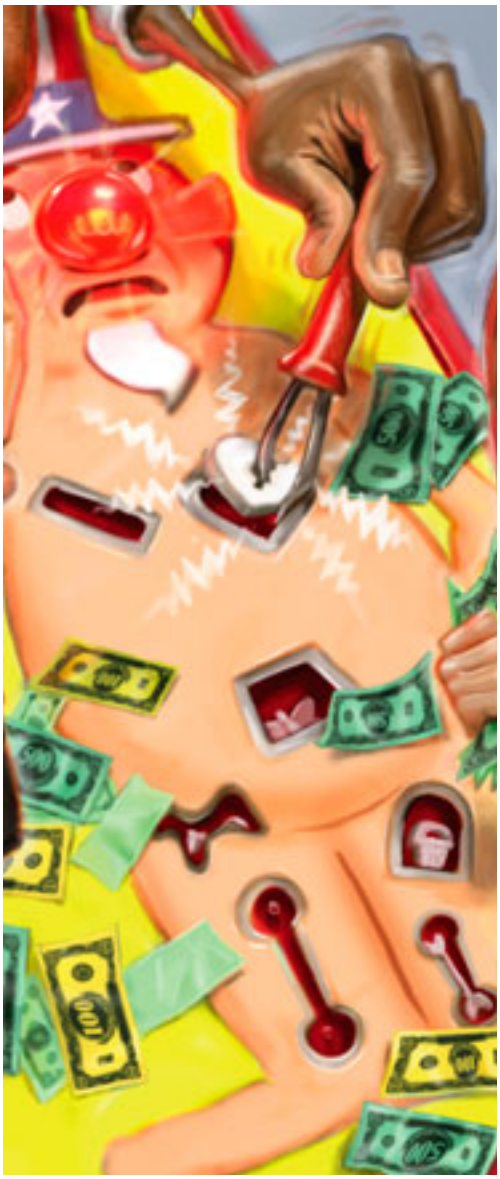
Private insurance, Medicare, and Medicaid cover most of the high cost of treating critical illnesses such as cancer and heart disease. And those are the ones in which the survival rates in the United States are significantly higher than in Europe or other countries. There are clinical data substantiating this. Two major studies (EUROCARE-4 and a study by the National Center for Epidemiology, Health Surveillance, and Promotion, in Rome, both published in the September 2007 issue of *Lancet Oncology*) were used to compare five-year survival rates for Americans and Europeans diagnosed with cancer.

For all cancers, 66.3 percent of American men and 63.9 percent of women survived. In Europe, 47.3 percent of men and 55.8 percent of women survived five years. Those are statistically important gaps.

And the survival rates were higher in the United States for the most common cancers as well. More than 99 percent of men with prostate cancer had survived in the United States after five years, 77.5 percent in Europe. Those with colon or rectal cancer survived at a 65.5 percent rate here and 56.2 percent in Europe. The rates for breast cancer showed a similar difference, 90.1 percent for Americans, 79 percent for Europeans.

Dr. Atlas cites a different set of results that underscore the same point: Your chances of living longer are better with treatment here. "Breast cancer mortality is 52 percent higher in Germany than in the United States and 88 percent higher in the United Kingdom," he reports (see "Here's a Second Opinion," *Hoover Digest* online). "Prostate cancer mortality is 604 percent higher in the U.K. and 457 percent higher in Norway. The mortality rate for colorectal cancer among British men and women is about 40 percent higher."

Canada, whose single-payer health system is admired by many liberals, fared better but still trailed the United States. "Breast cancer mortality in Canada is 9 percent higher than in the United States, prostate cancer is 184 percent higher, and colon cancer among men is about 10 percent higher," according to Dr. Atlas.



GARY LOCKE

Gary Becker, the Nobel Prize-winning economics professor at the University of Chicago, has cited still another study, this one on the mortality rates for the second leading cause of male cancer deaths (prostate) and the deadliest cancer for women (breast). This study, by Samuel Preston and Jessica Ho of the University of Pennsylvania, Becker wrote in his blog, found that "death rates from breast and prostate cancer declined during the past 20 years by much more in the U.S. than in 15 comparison countries of Europe and Japan."

Becker draws the obvious conclusion: "These results suggest that the U.S. health care system does deliver better control over serious diseases than systems in other advanced countries."

What gives American medicine its advantage? Success in treating cancer is largely determined by early detection and treatment and the use of the best drugs. "The United States does very well on all three criteria," Becker wrote. It helps that medical care for cancer and other deadly disease is more intensive here.

Tests for colon, breast, cervical, and prostate cancer have become an integral part of American health care, far more than in other countries. Nine out of 10 middle-aged women have had a mammogram, 96 percent of all women a Pap smear. As for men, 54 percent have had the PSA test for prostate cancer, 30 percent a colonoscopy for detecting colon cancer.

Since most advances in medical care are developed here, Americans benefit from them sooner, often many years sooner. Senator Edward Kennedy received proton beam therapy, which spares other tissue while attacking cancer. It may have prolonged his life. "You don't have a chance of being exposed to that in other countries," Dr. Goldfarb says.

In treating heart disease, Americans have far more access to statin drugs that reduce cholesterol. "Some 56 per-

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cent of Americans who could benefit from statin drugs . . . are taking them," Dr. Atlas wrote. "By comparison . . . only 36 percent of the Dutch, 29 percent of the Swiss, 26 percent of Germans, 23 percent of Britons, and 17 percent of Italians receive them."

But breakthroughs and discoveries are enormously expensive, so much so that America spends far more on health care (now 17 percent of GDP) than any other country. Incremental advances have driven up the cost of treating heart patients especially, but their effect in saving lives is indisputable.

"Wildly successful" is the way David Brown of the *Washington Post* has characterized the transformation of heart treatment. "Today, someone having a heart attack who gets to a hospital in time is likely to get cardiac catheterization, angioplasty, the placement of a medicated stent, therapy with four anticoagulant drugs and, on discharge, a handful of lifetime prescriptions," he wrote. These are innovations over the past half-century.

The results are in. "In the 1960s, the chance of dying in the days immediately after a heart attack was 30 to 40 percent," Brown wrote. "In 1975, it was 27 percent. In 1984, it was 19 percent. In 1994, it was about 10 percent. Today, it's about 6 percent."

These results are matched by the success in dealing with all heart disease. "In 1970, the death rate from coronary heart disease was 448 per 100,000 people," according to Brown. "In 1980, it was 345. In 1990, it was 250. In 2000, it was 187. In 2006, it was 135."

Cold numbers don't capture the breathtaking drama of what's happened. The transformation of heart care "has saved the lives of millions of Americans," Brown wrote. ". . . It is safe to say that almost everybody who has a heart attack wants the best treatment available. Nobody wants to turn back the clock." Nor should they, despite higher costs.

Critics of American health care, including advocates of overhauling the system and enlarging the government's role, harp on the rankings by the World Health Organization and other health organizations. These rankings are out of date, discredited, or misleading.

The WHO rated U.S. health care 37th in the world in 2000, behind Andorra, Malta, Colombia, Cyprus, and Morocco and just ahead of Slovenia and Cuba. This is not credible. To reach this ranking, the WHO used ideological assumptions—about such things as "financial fairness" and "responsiveness distribution"—heavily biased in favor of socialist countries or those with government-run health systems and against those relying on market incentives.

"It is entirely possible to have a health care system characterized by both extensive inequality and good care for everyone," Glen Whitman, an economics professor at California State University at Northridge, concluded. Indeed, that comes close to describing the U.S. system and explains why it gets a low WHO ranking.

America's relatively high rate of infant mortality is more complicated. In 2004, the United States ranked 29th in the world, based on government reports (not the WHO) from the countries ranked. Some of these statistics may be unreliable, and the standards for measuring infant deaths vary.

All babies that show signs of life at birth are counted as alive in the United States, even if they die within hours. Some countries don't count infants who die within 24 hours, others register low birth weight babies as stillborn.

All babies that show signs of life at birth are counted as alive in the United States, even if they die within hours. Some countries don't count infants who die within 24 hours, others register babies below a certain weight as stillborn. So comparisons among countries are unreliable.

But we do have an infant mortality problem. The chief source is preterm births, babies born at 6 or 7 months. Non-health care factors play a role. "Lower infant mortality tracks with fewer teen pregnancies, married as opposed to single mothers, less obesity and smoking, more education, and moms pregnant with babies that they are utterly intent on having," Dr. Bernadine Healey explained in *U.S. News & World Report*. But biological reasons for so many preterm births remain something of a mystery.

The average life expectancy of Americans (78 years) is affected by infant mortality. The WHO ranked the United States 24th in life expectancy a decade ago. But "it's not about health care," Dr. Goldfarb says. "The mortality statistics are a social phenomenon, not a health care phenomenon." Diet, lifestyle, obesity, lack of exercise, a relatively high crime rate—all play a part.

But here's the good news. If you reach 80 in America, when most people are highly dependent on health care, your chances of reaching 90 are at least as good and probably better than anyone else's in the world. And of getting to 100 as well. The older you get in America, the better your prospects for living longer—thanks to American health care.

Let's hope it stays that way. ♦

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Pashtuns and Pakistanis

A not-so-great game, but one America can't give up

By Reuel Marc Gerecht

The war in Afghanistan obviously isn't going well. Depressing critiques from all quarters underscore Afghanistan's appalling poverty, warlordism, religious conservatism, corruption, poppy fields, and retrograde matrix of ethnicity and tribe. Many of those who wanted to cut and run from Iraq have become similarly anxious about what, at least until November 2008, they saw as a better war. The stay-and-fight crowd is still the more powerful in Washington, but armed tenacity is an unnatural position for many pro-war liberals and some post-Cold War conservatives. Their support of President Barack Obama's war could wane. The prospect of a long conflict in a Muslim country could be daunting.

To see that this war is worth fighting is not to deny that Afghanistan could become even more demanding than George W. Bush's "war of choice." Topography alone could make the conflict more wearing: Some of the most violent areas of Afghanistan have some of the world's most formidable terrain. Iraq is a nation of well-paved roads; Afghanistan is a rough, rolling sea of rocks and dirt. Like the Bush administration on Iraq, the Obama administration has yet to be frank about what an American commitment to the war in Central Asia will cost. No Larry Lindsey has yet arisen in the Obama White House and spoken truth to power. We could soon have 100,000 soldiers deployed, and we could have them there for years. Comparisons between the United States in Vietnam and in Afghanistan are for the most part surreal (the North Vietnamese and Vietcong had the Soviet Union behind them), but the image of helicopters flying over jungles will soon be matched—if the Obama administration is serious about fighting—by a horizon of helicopters flying over Afghanistan's parched mountains, verdant river valleys, and stacked-rock towns and villages.

We plan on massively augmenting the size of the Afghan army and police since we want them eventually to replace us. Perhaps 300,000 armed locals may be required. Afghanistan has no history of raising, let alone sustaining, such organized national forces. The cost of training and providing logistical support to Afghan units can't be fully calculated yet, but it is clear that Afghanistan cannot pay for what it desperately needs. It cannot do so even if Kabul legalizes the production and export of opium, a policy that the United States and many Europeans would oppose.

Obama, who regularly chastised the Bush administration for its supposedly unrivaled capacity to alienate our allies, could well oversee the de facto dissolution of NATO.

And it's most unlikely that Obama will be able to guilt-trip the Europeans into spending more. It will be a diplomatic miracle if the administration can just keep them contributing what they do now. Obama, who regularly chastised the Bush administration for its supposedly unrivaled capacity to alienate our allies, could well oversee the de facto dissolution of the North Atlantic Treaty Organization. European leaders have clearly shown that Obama's election didn't make them any more willing to put their troops into combat.

Left-wing economists will soon be tabulating mind-boggling sums for the conflict, with all its remotely possible collateral costs. Senator Obama found such arithmetic for Iraq appealing; it may prove uncomfortable for him to make arguments for Afghanistan that sound, to borrow from *Mother Jones*'s David Corn, "slightly reminiscent of

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what the Bush-Cheney gang tried to pull off when they were pushing the case for invading Iraq." And some of the president's arguments on Afghanistan will be less compelling. Politically, Iraq is an enormously influential country in the Middle East (its post-Saddam impact on Iran may already have been substantial); Afghanistan remains a cultural and intellectual backwater, even for Pakistanis who can't resist trying to draw their northern neighbor into a great game with India.

But there are many compelling reasons to keep fighting in Afghanistan. Most important among them is that an American withdrawal would return Afghanistan to civil war and reinforce frightful trends in Pakistan. In an Afghan civil conflict pitting the Tajiks, Uzbeks, and Shiite Hazaras against the Pashtuns, the United States would have to choose the anti-Pashtun, anti-Pakistani side to protect against the possibility that the Taliban, a Pashtun-based movement, would again gain the upper hand. Remember Western insouciance about Afghanistan between 1994 and 1996, as the Taliban gradually gained ground? This time around, Washington would be obliged to intervene. It could not simply assume, as many suggest, that Pashtun jealousies, tribal differences, and powerful competing warlords would be enough to thwart a neo-Taliban advance. But successfully intervening in Pashtun politics from "over the horizon," with American troops no longer significantly deployed in Afghanistan, would be impossible. The Taliban currently have the offensive advantage throughout most of the Pashtun regions with U.S. forces active in the country; imagine U.S. forces gone.

Choosing sides would immediately thrust us into conflict with Islamabad, which remains a staunch and, at times, nefarious defender of Afghan Pashtun interests. Such a collision between Washington and Islamabad would be awful, fortifying Islamic militancy within Pakistan and placing al Qaeda and its allies, more clearly than ever before, on the same side as the Pakistani military establishment, which is only now getting serious about countering the radical Islamic threat at home.

The terrorist ramifications of this for us and for India could be enormous. Britain's domestic intelligence service, MI5, is working around the clock to monitor and thwart terrorist plots emanating from Muslim militants on the subcontinent. Great Britain does not receive the credit it deserves for doing the heavy lifting in building a security barrier against subcontinent Muslim radicals and their militant brethren resident in Europe. Even more than the Federal Bureau of Investigation and the Central Intelligence Agency, MI5 is America's frontline defense against mass-casualty terrorism.

Pakistan, not the Arab Middle East, is where extreme Islamic militancy probably has the most growth potential. And Britain's intelligence officers are quick to confess that they could not do their work without cooperation on the Pakistani side, which today, even after Islamic militants have lethally targeted members of Islamabad's intelligence and security services, remains complicated and problematic. Pakistan has been loath to sever long-standing ties to the Afghan and Pakistani Pashtun militant groups with which it has dealt for years. This is particularly true for those who come under the Taliban umbrella. Mullah Omar, the Taliban's divinely anointed founding father, is more or less an honored guest of Islamabad, holding court in Pakistan's eastern province of Baluchistan. Imagine scenarios where the Pakistanis receive requests for help from the British and the Americans, even as Western powers are aiding Afghanistan's bitterly anti-Pakistani non-Pashtun minorities against pro-Taliban Pashtuns.

We should never underestimate the potential for Pakistani recidivism. Even the most secular, pro-Western Pakistanis viewed the American invasion of Afghanistan with trepidation, if not hostility. Afghanistan was their backyard: A broad Pakistani consensus backed Islamabad's support of the Taliban. Even Pakistanis who serve Johnnie

THE WEEKLY STANDARD

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Walker Black at parties can like the idea of Muslim holy warriors in Afghanistan abetting the anti-Hindu jihadists of Kashmir. The Muslim identity is really all that Pakistan has as national glue. During the Soviet-Afghan war (1979-89), Afghanistan became a revered place for devout Pakistanis, some of whom crossed the border to fight with their coreligionists. For the secularized civilian and military elite, Afghanistan became an escape valve—someplace for religious Pakistanis to focus their attention. This attention was reciprocated north of the border.

Representing between 40 percent and 45 percent of the Afghan population and convinced of their right to political preeminence, Pashtuns have never lost their ties to their ethnic kin across the artificial, British-imposed border with Pakistan. The Soviet-Afghan war and the rise of religious militancy in the Pashtun community—which predates the Soviet invasion—further cemented ties and gave the Pashtun identity a sharper ideological edge. The long-standing cooperation among the Pashtun Afghan Taliban, the Pakistani Inter-Services Intelligence Agency (ISI, where Pakistani Pashtuns have served influentially), and the Pashtuns of Pakistan's Federally Administered Tribal Areas, North-West Frontier Province, and Baluchistan is natural.

The Afghans who grew up in Pakistani refugee camps aren't known for respecting the traditions of a lost world. Many of their tribal elders were slaughtered by Afghan Communists or the Soviets.

Also strengthening cross-border bonds has been the deepening sense of religious identity throughout Pakistani society. The rule of General Zia ul-Haq (1977-88) in particular accelerated the careers and sentiments of Islamists within Islamabad's armed forces. The cheek-by-jowl association of diehard fundamentalists and whisky-loving English-educated wits within the Pakistani officer corps was an astonishing and delicate balancing act; it was made possible only by the secular-fundamentalist agreement about Afghanistan (support the Taliban) and Kashmir (support the jihadists). September 11 and the American invasion shredded this harmony.

Since Pakistan's creation in 1947, Pashtuns in Afghanistan and Pakistan have been building political, economic, and cultural muscle, but they have not developed a widespread ethnic-nationalist movement, as have the poorer and less powerful Baluch, who have serious separatist tendencies in Pakistan and no love for their Shiite Persianizing masters across the border in Iran, who oppress the Sunni Baluch and their age-old desire to have nothing to do with Tehran. As the French scholar Olivier Roy has pointed out, the Pashtuns' collective sense of themselves has usually been expressed within radical Islamic movements, the Taliban being the most famous and successful of these religious-cum-nationalist awakenings.

What is poorly understood in the West is the way radical religious callings have been a means for young male Pashtuns to escape from tradition-bound tribal society by appealing to a higher cause. This transnational, supra-tribal—and in that sense antitraditional—religious brew made the pre-9/11 Taliban and has, in part, made the neo-Taliban now battling American and allied forces. (It also gave birth to Jalaluddin Haqqani and Gulbuddin Hekmatyar, the two most vicious and long-lived of al Qaeda's Pashtun allies.) Roy, who has been the most percipient diagnostician of Afghanistan for a generation, doesn't believe that any policy designed in Washington and Kabul that plays traditional "good tribal elders" against the "bad Taliban" can work since it pits a decaying old order against a modern Islamist ideology.

Islamism and Afghanistan's deeply rooted tribal structure have often felicitously cohabited. (The same was true of Afghanistan's brutal strain of communism, which sometimes spared the lives of enemies from the right tribes.) But tension has been growing. Modern Islamism, which poured into Afghanistan from Pakistan and the Arab world in the 1980s, appeals to the historic, global mission of Islam and takes a dim view of local affections and social hierarchies that circumscribe the religious calling. The Afghans who grew up in the Pakistani refugee camps during the Soviet-Afghan war, and their philosophical descendants, aren't known for respecting the traditions of a lost world. Many of their elders were slaughtered by Afghan Communists or the Soviets. These men are modern in that their religious fundamentalism is stripped of the cultural and social complexities of age-old traditions and tribes. The enormous Saudi missionary influence on the practice of Islam among the Pashtuns has fortified this "purist" streak, nearly obliterating the more easygoing Hanafi and Sufi practices that softened Afghan village and especially urban culture.

Mullah Omar was ready for Osama bin Laden and al Qaeda's global holy war because he'd drunk deeply of fundamentalism, with its frenetic emphasis on extirpating insufficiently devout Muslims from the community. This aggressiveness—the desire to weed the Afghan garden of its imperfections—retains considerable appeal among devout

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young Afghans who feel their society, or their tribe, is rife with injustices. American and British intellectuals and soldiers may still be in love with the tribes of the Islamic Middle East and Central Asia (T.E. Lawrence is ever with us). But among the natives, tribal solidarity and respect for elders aren't nearly as powerful as they once were.

It's an excellent bet that if the Americans withdrew from Afghanistan, even the most secular Pakistanis, who finally recognize the threat that radical Islam poses to them, would be strongly tempted to try to make a deal with the Pakistani Taliban—a vastly worse deal than any they've made so far. The upper crust from the Punjab and the Sindh, who make up the bulk of Pakistan's civilian and military elite, normally find the folks in the northwest of their country and in Baluchistan to be almost beyond the pale of civilization. Giving Afghanistan back to them—a workshop for the rude and crude devout—would likely be enormously appealing. "Let's stop fighting each other," would be the opening line. "The Americans are dialing back the clock to pre-9/11. So can we." Most Pakistanis would no doubt be thrilled to have al Qaeda's headquarters return to Afghanistan. Osama bin Laden, who has long loved Afghanistan, might well oblige them.

It is the American presence in Afghanistan that keeps the Pakistani ruling class "honest." Islamabad appears to be slowly and bloodily winning the battle against its own militants, who want to push the country toward a religious civil war. The American army in Afghanistan is allowing the all-critical Afghan Pashtun community time to recover from the Taliban—giving it the chance to develop a competitive ideology that comprises Afghan nationalism, Pashtunism, and serious religion.

Although there has been more ethnic cleansing in Afghanistan than has been reported in the mainstream press (mostly Pashtuns migrating, voluntarily or under duress, from predominantly Tajik and Uzbek areas), inter-ethnic antipathy hasn't metastasized as it did in Iraq. Badly mauled, the idea of Afghan fraternity still exists. The widespread savagery that we saw between Iraqi Sunni and Shiite Arabs seems unlikely to happen in Afghanistan.

Some critics of Westerners in Afghanistan argue that U.S. and NATO forces, by their tactics if not their mere presence, are breathing life into the neo-Taliban, who would remain deeply unpopular among the Pashtuns if it were not for outsiders' mistakes. Although we can quickly concede that Western mistakes make the Taliban look better, Westerners in Afghanistan have actually generated much less village-level antipathy among the Pashtuns than might have been expected given the Pashtuns' reputation for xenophobia. We might yet see a Pashtun-only "national liberation" jihad develop in Afghanistan, but we are far from this now.

Even now, "our" Pashtuns probably represent a big majority of their brethren. If the Americans were to leave, however, it's highly unlikely these friendly Pashtuns could long hold the high ground against a resurgent neo-Taliban movement. The Taliban possess the most effective Pashtun fighting force. Many, perhaps most, Pashtuns dislike the Taliban's aggressively inflexible religion (it's Pashtun village faith on speed), but the Taliban do have an ideology, tested repeatedly on the battlefield. It isn't just money and intimidation that bring them recruits.

Today's multiheaded Taliban movement is learning what Mullah Omar discovered after 1994: You can marry an unpleasant, vaguely foreign ideology to local concerns, customs, and warlords if you find the right mix of money, intimidation, Pashtun revanchism, the universal popular fear of disorder, and God. The neo-Taliban have successfully laid claim to Islam as a war-cry; other Afghan Pashtuns have not yet figured out how to harness the faith to their cause. And the Pakistanis will throw their weight, as they did in the 1990s, behind those Afghan Pashtuns who are the most militarily effective and have the strongest cross-border ties. The neo-Taliban could conceivably cut a deal with militants over the border to stop the Pakistani fratricide. No other Afghan Pashtuns would have such leverage.

The odds are, nevertheless, against the Taliban and their allies on both sides of the Afghan-Pakistani border. Unless Obama withdraws U.S. troops from Afghanistan, the Pakistani Army will be forced to keep fighting its own insurgents. Things were never going to get better in Pakistan before they got worse. The savagery of the Taliban in places like the Swat Valley has brought home what Islamic militants are capable of, as have their lethal attacks on Pakistani officials. We are beginning to see a great debate within Pakistan about jihad and Islamic ethics. Discussions of Pakistan's activities in Afghanistan and Kashmir are not yet what we might want, but Pakistan's chattering classes are serious (much more than those in most Arab lands). If they keep fighting their own demons, they may wind up asking themselves why their country's premier intelligence service has been implicated in so many ugly, bloody activities abroad.

Corrupt, mean-spirited, feudal in practice, and fragile, Pakistan's democracy has been far better at airing the country's dirty linen than was its military ruler, Pervez Musharraf. As the Pakistani military slowly makes headway against the radicals, civilian officials and officers have started sounding religiously more confident, going toe-to-toe with the radicals for the hearts and minds of Muslims. Government-supported anti-Taliban media campaigns in the contested northwest of the country have actually sounded sensible—something that cannot always be said

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for the American bankrolled and overseen efforts on Pakistani radio. U.S. officials should not try to veto Islamabad's hard-edged, very Muslim use of the Koran and the Prophet against radicals, preferring that the message echo Washington's favorite anodyne line that "Islam is a religion of peace." Political correctness hasn't yet come to the Swat Valley.

But the battle against the Taliban inside Afghanistan will be even harder since the creed opposing the Taliban for now is so traditional and the Afghan Pashtun personalities who can refute the militants are, with some exceptions, less than compelling. Traditional mores can compete with modern ones if the latter shock: The slowly growing revulsion throughout the Arab Middle East for al Qaeda is in great part a recoiling of devout Muslims from the violent excesses committed by holy warriors who once had broad support. But this process isn't necessarily quick. The grosser the atrocities, the faster the flip. In 2004, Sunni Arab opinion outside Iraq was inclined to describe Sunni insurgents and al Qaeda jihadists who butchered Shiites as anti-American "martyrs"; by 2007, after tens of thousands of Shiites had been killed, and the Shiites were brutally and successfully fighting back, a moral queasiness took hold among non-Iraqi Arab Sunnis, and Iraq's Arab Sunnis raged against al Qaeda.

At present, neo-Taliban violence against civilians is escalating in Afghanistan. Given the Taliban's nasty record under such dark figures as the suicide-bomber-loving Jalaluddin Haqqani, the anti-Taliban Pashtuns should be able to ally militarily with the Americans and win the hearts-and-minds tug-of-war with their countrymen. By the same token, however, if the neo-Taliban refrain from atrocities and ramp up the jihadist call laced with Pashtun pride, the battle could be far more difficult for the United States.

The allure of democracy for Afghans shouldn't be belittled, as has now become commonplace among Americans, both conservative and liberal. Afghanistan is a backward land, with entrenched sentiments and habits that are certainly deleterious to functioning representative government. The fraud charges in the recent presidential election don't help the cause of Hamid Karzai and other Pashtuns who are trying to develop, however fecklessly, an alternative creed for Pashtuns to believe in. But the Afghans have lived through hell. Their tolerance for ineffectual and corrupt government under the umbrella of the United States is probably still far from exhausted. The Obama administration and the Pashtuns are going to have to do better than they've done so far. But the bar for success is low—much lower in Afghanistan than it was in Iraq.

This is the biggest reason why Afghans can be quite straightforward about their desire to see foreigners stay in their country. They generally do not possess a prickly religio-nationalist consciousness that makes it extremely difficult to cooperate openly with Westerners. (Pashtuns are pussycats compared with Iraqis.) When trained and armed, Afghans are not scared or embarrassed to fight alongside foreigners. As battlefield allies, they are braver and more effective than many of the Europeans who've nominally joined us.

The Afghan Muslim identity has been battered and radicalized since the early 1970s. But Afghanistan is definitely one of those places—Iran is another—where many have actually become less enamored of religious militancy. Experience matters. Nonstop war for 30 years has made the Afghan people—especially their elites—more inclined toward rapacious corruption. They are certainly less fraternally disposed toward each other than they once were. But war has also taught many of them to back away from incendiary religious politics. The great Tajik Afghan military commander Ahmad Shah Massoud was a diehard Islamic ideologue in his youth. By the time he died in middle age, assassinated by bin Laden's men, he could wryly and mournfully reflect on his earlier passion. Such wisdom is not uncommon in Afghanistan, even among Pashtuns who are illiterate.

If we lose the devout Afghan Pashtuns and start seeing large swaths of Pashtun society siding openly with the Taliban against us, while savage intercommunal hostilities break out among Afghanistan's peoples, then we will have to debate withdrawing from Central Asia. But we haven't seen that. And unless we withdraw—or persist in a counterproductive military strategy (which, thanks to the failures and successes in Iraq, we won't)—the Pashtuns as a people probably won't rally against us. Things will remain far from perfect in Afghanistan—doing well in the Greater Middle East means that your successes just edge out your defeats. But we are cognizant of our problems. And if we look into Pakistan, we can see what is at stake.

That alone should propel General Stanley McChrystal to recommend the deployment of all the troops and resources he needs to turn the tide in Afghanistan. He and General David Petraeus, the overall commander of U.S. forces in the region, surely know that they have the president over a barrel. If Obama refuses to deploy all they request and Afghanistan continues to go south, then he will have lost the "necessary war" that defined his campaign and his presidency.

If that happens, one fact will be paramount: The Pashtuns will have laid low both East and West. Their brothers in arms who still truly believe in a global jihad against the United States will view our departure as their victory and a mandate from heaven. Jihadists everywhere will be thrilled and emboldened.

And in that case, we will all have to pray that MI5 is up to the challenge. ♦

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Bank CEOs testify before Congress, 2009

NEWSCOM

After the Fall

What really caused the financial crisis?

BY JEFFREY FRIEDMAN

As we would expect from Richard Posner, the distinguished and polymathic writer, law professor, and circuit court judge, his book on the financial crisis is thoughtful, rigorous, and balanced.

It has also been hailed as "an event" by some on the left, such as Nobel laureate economist Robert Solow, in whose eyes it marks the conversion of Posner, a former free-marketeer (albeit no ideologue), to the tenets of progressive common sense. For this volume claims that, since 2008, we have been experiencing "a failure of capitalism," and Posner's takeaway point is that "we need a more active and intelligent government to keep our model of capitalism from running off the rails."

Strictly speaking, Posner is right: We *would* need an active and intelligent government to keep the model of capitalism used by Posner from running off the rails. But in truth, Posner's model tells us little about the real world factors that produced the financial crisis. And once we take account of facts that Posner overlooks, it seems that the cause of the crisis was not the "laissez-faire economic regime" that Posner imagines might have been responsible, but the legal regulations that actually shaped the behavior of our banks.

A Failure of Capitalism
The Crisis of '08 and the Descent into Depression
by Richard A. Posner
Harvard, 368 pp., $23.95

Many different economic models can explain what might have caused the crisis. But readers will want to know what actually did cause the crisis. Posner tells us much about the economics of depressions in the abstract, the economics of housing in the abstract, the economics of banking in the abstract, and the economics of corporate compensation in the abstract. All of this economic theory is valuable; but in principle, most of it could have been written in 1999, 1989, or 1939—any time after Keynes's *General Theory* appeared in 1936. (Posner is a recent convert to Keynes's macroeconomics.) What *A Failure of Capitalism* lacks is evidence showing that any of these theories explains the crisis of 2008.

The heart of Posner's case against "capitalism" is the following theory,

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which has been embraced by no less than the president of the United States: Perverse incentives, created by banks' executive-compensation systems, caused the crisis. As Posner puts it, bank executives' pay was structured so that bankers would think to themselves,

> when the bubble bursts you'll be okay because you have negotiated a generous severance package with your board of directors. . . . The board will have hired a compensation consultant who will have advised generosity in fixing the compensation of senior management and as part of that largesse will have recommended that senior executives receive a fat severance package (a "golden parachute") if they are terminated.

Moreover, according to Posner, subordinate employees had essentially the same incentives as top executives. Subordinates received bonuses for making money but were not penalized for losing it.

The theory is perfectly logical, and it might explain the crisis, but Posner does not show that it actually does explain the crisis.

For one thing, he doesn't show that all banks used the same compensation system and paid the same bonuses for risk-taking. There are, in fact, differences among banks' compensation systems, so Posner might have been able to test his theory by seeing if the banks that took more risks were the ones that provided bigger golden parachutes or paid higher bonuses. But Posner treats "banks" as a homogeneous lump. This makes it difficult for him to check his theory against reality.

Moreover, despite having written the bible of the "law and economics" movement—his 1973 treatise *Economic Analysis of the Law*—Posner tells us too little about the many laws that regulate real world capitalism, which surely must have affected bankers' behavior. For instance, some of the investment banks that avoided mortgage-backed securities, such as Brown Brothers Harriman, are structured as partnerships; this encourages prudence because each partner has a lot at stake if the firm goes under. As the huge law firms demonstrate, partnerships need not be small—there can be hundreds or thousands of partners. But Richard Rahn has pointed out that the tax code—not capitalism—discourages partnerships in banking and other industries.

A Failure of Capitalism contains a devastating rebuttal of widely popular "irrational exuberance" explanations of the crisis. This leaves Posner to solve the puzzle of why rationally self-interested bankers seemed to ignore risk. But in the real world of contemporary capitalism, rational self-interest does not conform to the patterns it would follow under "a laissez-faire economic regime." Instead, rational self-interest follows the tens of thousands of pages of the tax code; it follows the millions of pages of the regulatory code. And these tortuous legal pathways are largely overlooked by Posner.

Thus, he argues that the most important risky behavior prompted by the banks' compensation structures was that bankers increased their leverage ratios. But banks' leverage ratios are regulated by law, and this law, unmentioned by Posner, was probably the main cause of the crisis.

A bank's leverage ratio consists of its capital divided by its assets, and its assets include its loans, such as mortgages. We usually think of loans as debits because most of us are borrowers. But to a lender, a mortgage (for instance) is an asset because it is supposed to be paid back. All assets are risky in an uncertain world, but a loan is especially risky, since any number of factors might cause a borrower not to pay it back. By increasing the ratio of mortgages and other loans to its capital, a bank is taking on more risk, even if the mortgages themselves aren't riskier—and subprime mortgages were riskier.

"Banks *wanted* to make risky mortgage loans," Posner writes, but this seemingly irrational behavior was mainly due, he explains, to the bankers' rational-self interest: They were being paid to ignore risk. But since Posner homogenizes "banks" into an undifferentiated mass, he cannot tell us which bankers are supposed to have known they were taking excessive risks. And they would have had to know that if they were, as the executive-compensation theory maintains, deliberately ignoring risk in pursuit of a bigger bonus.

Nor can Posner tell us whether all banks "leveraged up" to the same degree (they didn't) or made subprime loans to the same degree (they didn't). If all bankers had essentially the same incentives because of the way they were paid, what could explain their actually heterogeneous behavior?

Meanwhile, Posner does not discuss the legal rules that govern banks' leverage ratios in the real, far-from-laissez faire world. These regulations go under the name of the "Basel accords" after the Swiss town where, in 1988, the developed world's central bankers agreed to them. The Basel accords set a ceiling on banks' leverage by regulating the amount of capital banks must hold—and, crucially, the type of assets they may hold.

The Basel accords required a minimum level of 8 percent capital for lending banks (as opposed to investment banks) yielding a 12.5-to-1 ratio of assets to capital—once assets were adjusted for the riskiness that the Basel regulators saw in different types of assets. For instance, they saw zero risk in cash but 50 percent risk in mortgages, so a bank needed to hold no capital against cash but 4 percent capital against mortgages. To the Basel accords, each country's regulators were free to add their own fillips.

Ten years after the Basel accords were implemented in the United States, the American regulators amended them. Under the "Recourse Rule," adopted in 2001, mortgage-backed securities were risk-weighted at 20 percent, requiring 60 percent less capital than actual mortgages required. The only qualification was that the mortgage-backed securities had to be rated AA or AAA by one of the three "rating agencies," Moody's, Standard and Poor's, or Fitch.

These three private companies had a legally protected oligopoly. The oligopoly found a way to give AA and AAA ratings to slices of mortgage-backed securities that consisted entirely of subprime

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mortgages. Thus, the Recourse Rule *created* an incentive for lending banks to "leverage up" by originating as many mortgages as possible, selling them for securitization to an investment bank such as Bear Stearns, and buying them back as part of an AA- or AAA-rated security. Thus could a bank increase its lending power—hence its potential profitability—by 60 percent per transaction.

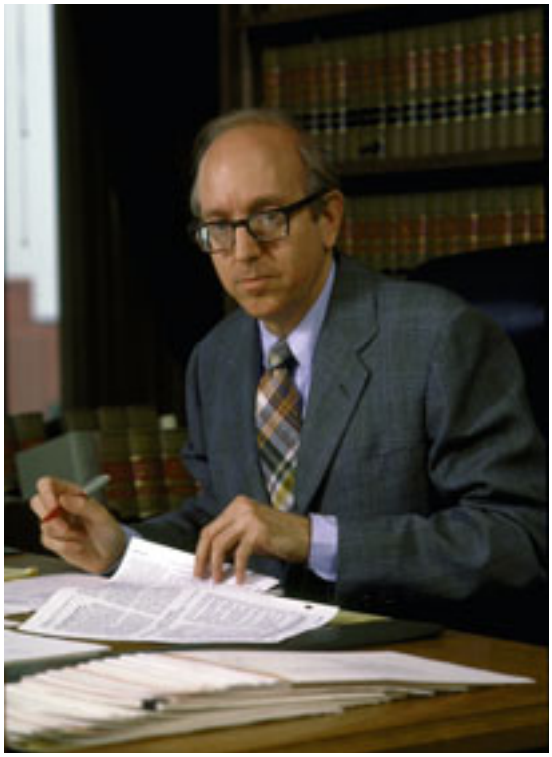
Would this have been "normal business activity in a laissez-faire economic regime," as Posner contends? No. But it was consistent with the rational self-interest of bankers under the amended Basel accords. The Recourse Rule did not force anyone to leverage up; but it richly rewarded those bankers who—like the regulators themselves—saw little risk in leveraging up by buying highly rated mortgage-backed securities.

The Recourse Rule, however, gave banks the same ability to increase their leverage whether they bought AA-rated or AAA-rated securities. If the reason that "banks" were leveraging up in the first place is, as Posner maintains, that they cared only about profits and ignored possible losses (because their executives and employees were compensated for short-term profits, regardless of the long-term risks), then banks should have bought AA securities every time: The AAs paid more than the AAAs—precisely because they were riskier.

But in fact, only 19 percent of the mortgage-backed securities held by the banks were rated AA or lower. Eighty-one percent were rated AAA, yielding less short-term profit because they carried less risk. This one fact may refute the executive-compensation theory all by itself.

Another inconvenient fact: If banks were seeking to maximize their leverage because they were heedless of the risk, then they should have driven their capital holdings down to the minimum allowed by law: 8 percent for "adequately capitalized" banks; 10 percent for "well-capitalized" banks, to which American regulators give privileges that most banks need. But in December 2007, as the crisis was getting underway, the average capital level of all American banks combined was roughly 13 percent—30 percent higher than the legal minimum.

This level had indeed declined from previous levels, so it is true that, in the aggregate, "banks" had leveraged up, just as the Recourse Rule would have led us to expect. The banks' greater leveraging, however, cannot have been caused by the general indifference to risk blamed by Posner since, if there were any such indifference, the banks' average capital ratio would have been 30 percent lower than it actually was.



Richard Posner

These facts dovetail with a recent study by René Stulz and Rüdiger Fahlenbrach showing that banks with CEOs who held a lot of stock in the bank did worse than banks with CEOs who held less stock. Whatever mistakes they made, the CEOs were not making them deliberately, contrary to the executive-compensation theory.

What seems to have happened, then, is not that banks ignored risk. Rather, to the extent that generalizations can be made, banks tried to avoid "excessive" risk—but different bankers had different ideas about what was excessively risky and what wasn't. Some bankers, such as those at Citigroup, saw little risk in leveraging up: Its capital level at the end of 2007 was 10.7 percent, barely above the legal minimum. Others, such as those at JPMorgan Chase, saw greater risk: Its capital level was 12.57 percent, and it avoided subprime securities despite the incentives offered by the Recourse Rule, because even those incentives were not large enough to compensate for the risk perceived by the Morgan bankers.

"Banks" did not homogeneously leverage up by buying mortgage-backed securities, heedless of the risk; their willingness to seize the rewards offered by the Recourse Rule varied according to their differing perceptions of the risk involved.

This thesis is borne out by two sensationalized but fact-stuffed books about Bear Stearns and JPMorgan: William D. Cohan's *House of Cards* and Gillian Tett's *Fool's Gold*. From Cohan we learn that neither the Bear Stearns executives nor the subordinates whose actions brought down the bank had any idea that they were taking "excessive" risks. From Tett (whose book appeared too late for Posner to consider) we learn that the conservative risk perceptions of JPMorgan president Jamie Dimon and his subordinates counteracted the very real temptation to leverage up.

Was Dimon less rationally self-interested than Bear Stearns president Jimmy Cayne? No, but Cayne and his subordinates didn't see the same risks that Dimon and his subordinates saw, or thought they saw, in AAA-rated mortgage-backed securities.

Under any version of capitalism, laissez faire or regulated, the rational pursuit of self-interest characterizes the successful companies, like JPMorgan. But it also characterizes the failures, like Bear Stearns and Citigroup. Therefore, a realistic "model" of capitalism has to contain more than rational self-interest if it is going to

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explain capitalists' mistakes—and in the financial crisis of 2008, there were plenty of those.

If we are going to understand these errors, we have to bear in mind that capitalists have different ideas about how to pursue their self-interest—including different ideas about how to avoid undue risk. Unless capitalists' ideas about these matters were different, there'd be no economic case for competitive capitalism. Competition is the only way to sort out the good ideas from the bad ones. The good ideas help a company survive and prosper; the bad ones cause losses or bankruptcy.

If anybody really knew in advance which ideas were good and which were bad, there'd be no point testing the ideas against each other through competition. But the hidden premise of banking regulations such as the Basel rules is that regulators can, indeed, know such things in advance. This premise puts the regulators in the position of trying to be omniscient judges of what constitutes "prudent" behavior. In 2001, the American regulators had decided that it would be more prudent for banks to hold AA or AAA rated mortgage-backed securities than to hold actual mortgages, so banks that made this switch were rewarded with 60 percent more potential profits.

Among fallible human beings, of course, what constitutes prudence is a matter of legitimate dispute. But unlike capitalists' ideas about prudence, regulators' ideas cannot compete against each other to sort out the bad from the good: Only one regulation at a time is the law of the land. So if we see a high proportion of capitalist enterprises making the same mistakes, as we do when we look back at the run-up to the crisis, we might suspect that a homogenizing force—such as the incentives imposed on all banks by mistaken regulations—were at work.

If one seeks the cause of a systemic problem, a logical place to look is among the laws that govern the system as a whole. Individual capitalists, of course, make mistakes all the time; we discover this when they go broke. And being human, they are as susceptible as anyone to herding around the conventional wisdom of their time and place, which is so often wrong. Thus, a systemic "failure of capitalism" is possible: In a "laissez-faire economic regime" capitalists could all make the same mistake. This is what Posner proves, and proves well.

But in the real world of 2008, the systemic tendency toward mistakes seems to have been caused not by any risk-insensitivity inherent to capitalism or to banking, nor by the banks' executive-compensation systems—which, of course, are also subject to competition—but by the skewed incentives produced by particular regulations imposed on capitalism. The American amendments to the Basel rules created incentives for capitalists to buy mortgage-backed securities, tipping the risk-benefit calculations of many bankers toward what turned out to be disastrously imprudent behavior.

The regulators were human, and it turned out that their ideas about prudent behavior were wrong. Now the world is paying for their mistakes. ♦

B&A

Dowding's Victory

Neither luck nor chance won the Battle of Britain.

BY NELSON D. LANKFORD

During a visit to London in the 1990s my wife and I attended a service at St. Clement Danes, a once-bombed-out Wren church in the Strand, now station church of the Royal Air Force. By pure chance it was September 15, Battle of Britain Day. Half a century had passed since the stooped, graying veterans who gathered to worship that day had faced daunting odds in the skies over England. To visiting Americans, they made tangible the centrality of the Battle of Britain to collective memory in the United Kingdom.

Now, seven decades after the war, it is hard to conjure up the awe and dread that filled residents of southern England as they looked up into the brilliant blue skies of summer 1940, skies streaked with the contrails of hundreds of Luftwaffe planes, day after day. Michael Korda's latest book retells the familiar story of how Britain, alone, blunted the seemingly inexorable German tide. And although *With Wings Like Eagles* is not a work of original scholarship based on exhaustive sifting of unpublished sources, it is nonetheless a compelling synthesis, elegantly written.

With Wings Like Eagles
A History of the Battle of Britain
by Michael Korda
Harper, 336 pp., $25.99

Korda begins by recounting the fitful creation of Britain's air defenses. It may surprise readers that he gives credit to both Stanley Baldwin and, after him, Neville Chamberlain. As prime minister, Baldwin took little interest in the military and hated spending on it. In the House of Commons he feuded bitterly with Winston Churchill, who doggedly argued for greater defense outlays. (When Churchill later learned, during the war, that the Germans had bombed the Baldwin family factory, he groused, "How ungrateful of them.")

Baldwin parroted the orthodoxy of the times that "the bomber will

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always get through." If nothing could stop enemy bombers, why waste money on fighter planes? Yet he could not completely ignore defense, and by his parsimonious reckoning, spending a little on fighters would cost less than building fleets of bombers. Thus, in a roundabout way, he "stumbled on the idea of defense rather than deterrence."

Korda views his subject from the heights of central command rather than from the cockpit of a Spitfire. His hero, and the focus of this book, is Air Chief Marshal Sir Hugh Dowding. Stubborn, remote, shy, incapable of charm, and lacking in humor, Dowding more than earned his nickname "Stuffy." Despite these debilities, he perfected the system that defined RAF Fighter Command.

At Bentley Priory, the 18th-century mansion outside London that served as Dowding's headquarters, buried telephone lines linked the commander to each airfield and radar station. A central operations room collected and distilled readiness reports from fighter squadrons and intelligence generated by radar and the ground Observer Corps. On a huge map table members of the Women's Auxiliary Air Force (WAAF) moved counters, representing these data, with a long pole "like that used by the croupier at the roulette table."

If war came, the counters constantly dancing across the face of the map would guide Dowding's orders to his squadron commanders, and from them to their pilots. By the late 1930s the latter flew two newly operational models of monoplane, the Hawker Hurricane and the Supermarine Spitfire, which were evenly matched with the best German fighter, the Messerschmitt Bf 109.

The Air Ministry and its political masters long doubted the value of defense by fighter planes, and both only reluctantly acceded—"at first more in the spirit of window dressing" —to Dowding's insistent demands. Undeterred, Dowding hectored them for funds, including money to build an underground duplicate of the operations room, protected by reinforced concrete. He got his way with just months to spare, and by the spring of 1940 had assembled the tools he needed.

The point Korda hammers home is that the RAF's victory "came about neither by luck nor by last-minute improvisation" but by thorough preparation. And when the conflict began, Dowding's genius lay in husbanding his forces rather than committing them all at once. He wanted his adversaries to think he was scraping the bottom of the barrel and about to run out of planes and pilots at any moment. With constant pinprick attacks by small numbers of fighters, he concealed his total strength while inflicting a mounting toll on German bombers. The head of Fighter Command knew his pilots—whom he sentimentally called his "Chicks"—could not win the war, but in that summer of endless blue skies, they surely could lose it.

Air Chief Marshal Sir Hugh Dowding

HULTON ARCHIVE / GETTY IMAGES

A.J.P. Taylor once ended a litany of Churchill's many honors and offices with a simple coda: "savior of his country." And so he was. Korda gives Churchill his due, but does not deify him. He makes a special point of Dowding's opposition to the prime minister on the issue of sending planes to France when the battle there was lost. Dowding "solemnly warned" ministers against such a course at a meeting of the War Cabinet on May 15 after the Germans had broken through the Ardennes and begun their race toward the Channel. More fighter aircraft would only be wasted in France, with no radar network and no centralized command structure to filter information. Each plane dispatched to the continent reduced their chances of stopping the Germans over England.

Dowding's admonition carried the day, but only literally. One day later, Churchill overruled the cabinet and sent a further six squadrons to France to be frittered away piecemeal. Korda exaggerates a little when he argues that, by standing up to Churchill and preventing him from sending even more of Fighter Command across the Channel, Dowding "probably saved Britain."

After France capitulated in June, the Germans hesitated, hampered by "a combination of sloth and wishful thinking at the top." Hitler, giddy with the totality of his conquest, hoped the British would recognize their plight and offer an armistice. That hesitation during early summer gave Dowding the time he needed to prepare for the air assault that followed.

Korda reasonably asks whether Hitler really meant to invade Britain. Could all the ostentatious preparations have been a bluff to intimidate his opponents? Whatever the Führer's intentions, and despite the challenges any invasion faced, Korda is right that "all war is chance." Given breaks with the weather and a bit of

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luck, the Germans might have pulled it off. It was rational, then, to believe that Fighter Command was all that stood in the way.

In August 1940 the German Air Force launched Operation Adlerangriff ("Eagle Attack"), hitting fighter bases and aircraft factories to the exclusion of other targets. Though Dowding parried the main attacks on his airfields on August 15, Adler Tag ("Eagle Day"), the Luftwaffe did not give in but struck again and again with renewed fury. In the waning days of August, Dowding could see that the toll of attrition was turning against him. Despite inept German intelligence and leadership, "time and time again the Luftwaffe came very close to crippling Fighter Command."

Indeed, if events had continued on the same trajectory much longer, *With Wings Like Eagles* might have been the title of a book celebrating the code name for German victory. Instead, the Luftwaffe changed its targeting and thereby ensured that Korda's title linked Britain's airmen, not Germany's, with Isaiah 40:31: "But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint."

It all happened because of an error in navigation. German bombers, intending to attack an oil storage plant in the Thames estuary on the night of August 24-25, mistakenly dropped their payloads on the financial district of central London. The British could not know this was an error and mounted a retaliatory raid on Berlin. It did scant damage but convinced Hitler to change his strategy and punish the sprawling British metropolis. And punish he did.

Yet the shift in targeting to London and other cities lifted pressure on Fighter Command just as the fierce offensive against its airfields was at the point of paralyzing them. Dowding had won. He had kept Fighter Command intact until bad autumn weather meant no invasion could be mounted that year. On September 17, Hitler postponed the invasion indefinitely.

The book's publisher, Harper, lets down Korda with a mediocre index, and he occasionally indulges in too many long sentences and repeated anecdotes. But these small flaws detract little from his larger accomplishment: getting the big picture right with a fluid, engaging style that draws the reader into this pivotal moment in modern history.

No one person won the Battle of Britain, but Korda convincingly argues that Hugh Dowding deserves pride of place among those who determined that the United Kingdom would survive the summer of 1940. The Germans suffered from poor intelligence, tactics, and leadership, but in spite of these, they very nearly overwhelmed Fighter Command by brute force. Dowding's prophetic genius first manifested itself in devising a system that linked technology, intelligence, decision-making, and fighter planes, and then in his obstinate badgering of superiors for the resources to build that system before the war.

Finally, his deft application of force in the face of unrelenting German attacks justifies the inscription on the brass plaque at Bentley Priory: "To him the people of Britain and the Free World owe largely the way of life and the liberties that they enjoy today." ♦

B&A

A Lidless Eye

Early verse that clears the path to Tolkien's genius.

BY ELI LEHRER

Nearly every parent, at one time or another, has had the experience of seeing a son or daughter eagerly unwrap a new toy, only to find that the child greatly prefers the box to the gift itself. This new poetry collection by John Ronald Reuel Tolkien (J.R.R. on book jackets, Ronald to his friends) is a lot like the disappointing toy in the great box. To put it simply: The poetry is pretty bad, but the explanatory material that surrounds it—written by Ronald himself and his son Christopher—is good.

The Legend of Sigurd and Gudrun
by J.R.R. Tolkien and Christopher Tolkien
Houghton Mifflin Harcourt, 384 pp., $26

Unlike the low-rent fiction published under the names of such long-dead authors as Ian Fleming and V.C. Andrews, there's no doubt about the provenance of the poems in the collection. But by Christopher Tolkien's own account, there's no evidence that the elder Tolkien ever intended to have this work published, either.

The heart of the book consists of two long poems inspired by the Saga of the Volsungs, the Nibelung legends (particularly the famous 13th-century Middle High German poem the *Nibelungenlied*) and stories from *Prose Edda*. The *Prose Edda* is a compilation of the Icelandic tradition edited by the chieftain Snorri Sturluson, while the Volsung Saga is an ancient Norse saga that's the major source for Richard Wagner's Ring Cycle. The two title poems here tell related but, in Tolkien's version, separate stories. "The New Lay of the Volsungs" tell the story of the heroic dragon slayer Sigurd, his romance with the Valkyrie Brynhild, their arrival at a "court of great princes" called the Niflugs, Sigurd's betrayal

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(the original "stab in the back"), and Brynhild's suicide. The related "New Lay of Gudrun" tells the story of the Princess Gudrun (a Niflung), her forced marriage to Atli (based on Attila the Hun), her husband's murder of her family, and her decision to murder Atli's sons and serve them to her husband in a feast.

Well, at least that's what the notes, introductions, and commentaries say the story is about. I've read substantially all of Tolkien's source material—some of it in the original languages—and still had to reread several times just to follow the plot. At more than one point, Christopher Tolkien's notes have to clarify who is taking a particular action and what is going on. Without them, the poems are almost impossible to decode. And sometimes it's pretty clear that the elder Tolkien simply left certain parts to finish later.

J.R.R. Tolkien

For example, one of the first poem's better sections involves Sigurd being prepared to fight the dragon, his acquisition of the magical sword Gram and the horse Grani, and his battle with the Fafnir. But for all the good buildup, there's no real scene of combat between Sigurd and the Dragon: The hero just stabs him. The elder Tolkien knew how to tell a story—*Lord of the Rings* proves it—but what he's drafted here just doesn't work as a narrative.

Complaining about a text's difficulty isn't all that becoming when the text has rewards that equal the cost of reading it. But despite a few good lines here and there—*the great Gods then / began their toil, / a wondrous world / well they builded*—this effort largely falls flat.

One problem may be the way Tolkien chose to write. His poems take the form of the Lay (or Lai), a rather free-form type of Northern European verse written for musical accompaniment that was most popular in France and Germany. But the poems are written in modern English, take the form of eight-line verses, and the poetic style—alliteration—is one that predominated in 14th-century English poetry.

In other words, Tolkien is using a Northern European form, a style from 14th-century England, and writing with words (more or less) that people use today. (Great philologist that he was, Tolkien avoids many English words of French/Latin origin.)

Take this passage describing Sigurd's capture of the magical horse Grani:

They drove the horses
Into deep currents;
To the bank they backed
From the bitter water.
But grey Grani
Gladly swam there:
Sigurd Chose him,
Swift and flawless.

Like a lot of the poem, this is straightforward narrative with no condensation of emotion or particular music to it. It sounds nice, but that's about it. The alliteration doesn't help here, either: While the action (the capture of a wild horse) is pretty dramatic, it isn't conveyed in the slow, throaty language that Tolkien uses to convey it. In short, it doesn't quite work.

With enough time and effort, maybe the elder Tolkien could have pulled this enterprise off. But for whatever reason, he set aside the poems.

So Tolkien's poems present an insight into the mind of an artist searching for his muse: They are evidently an early, abandoned experiment with bringing the spirit of the ancient tales he loved to modern readers. This is a task he succeeded at brilliantly in *Lord of the Rings*. And even here are some intriguing gems for *Rings* fans: Not only are there magical rings, but the poems also contain references to a "lidless eye"—the embodiment and symbol of *Rings* arch-villain Sauron—which may be the first time that Tolkien used the phrase in his own creative writing.

And the notes, describing the stories, Tolkien's allusions, and the like, are all first rate. Even when it seems that Christopher Tolkien may be padding the material a little to make it book length, what he says is pretty interesting. Ronald's lecture notes and Christopher's commentary provide a good overview of the nature of the tradition where the elder man was trying to write, the poetic styles, and the numerous obscure allusions.

Tolkien scholars and ardent *Lord of the Rings* fans may gain some insights into his fiction from reading these poems. The notes provide a very good introduction to the tradition that the elder Tolkien wrote in and, in any case, they're long enough to probably justify a look at the book. But the poems, while somewhat promising, are still in rough draft. ♦

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B&A

Teachers' Pet

The never-ending quest for classroom innovation.

BY SANDRA STOTSKY

'Watch Mr. Wizard,' 1955 (NBC)

GETTY IMAGES

Tony Wagner, codirector of the Change Leadership Group at Harvard's Graduate School of Education, has written several books on how to "transform" America's public schools, based on visits to schools and talks with educators and employers. In *Making the Grade: Reinventing America's Schools* (2001), he set up Central Park East High School in Manhattan as one model of what we should aim for to make sure that students are taught the critical "competencies" they need for the 21st century.

In *The Global Achievement Gap*, he heavily promotes seven sets of so-called 21st-century skills that he claims are not being taught in our schools, and must be. But the basic flaw in Wagner's thinking is his assumption that achievement gaps, global or national, are due to a lack of skills (or competencies), not to a deficient knowledge base that governs their development and use.

The Global Achievement Gap
Why Even Our Best Schools Don't Teach the New Survival Skills Our Children Need—And What We Can Do About It
by Tony Wagner
Basic, 288 pp., $26.95

The seven sets of "survival" skills he is selling are also being pushed by the Partnership for 21st Century Skills, an advocacy group supported by prominent high tech companies, the National Educational Association, the National Council of Teachers of English, and other business or educational organizations with no recent record of interest in strengthening the academic content of the school curriculum.

What skills are missing from the K-12 school curriculum? According to Wagner, such "skills" as critical thinking, problem solving, collaboration, agility, adaptability, initiative, entrepreneurialism, effective oral and written communication, accessing and analyzing information, curiosity, and imagination. It's hard to think of anything that has been left out of this utopian view of what K-12 teachers should teach—except, perhaps, the "skills" of honesty and integrity.

It is a mystery why Wagner thinks our schools have not been teaching problem solving in their mathematics classes, given the influence of the National Council of Teachers of Mathematics since 1989 on the K-12 math curriculum. Every "reform" curriculum concentrates precisely on this. Nor does he provide any clue as to why he thinks such character traits as agility, adaptability, curiosity, and entrepreneurialism can be clearly defined, taught, and measured.

But to judge by the absence of references to research studies or solid information of any kind in his endnotes, Wagner has little use for the fruits of scientific research or for up-to-date facts that might contradict his sales pitch. Indeed, this book provides more disinformation on what is or is not in the school curriculum and how teachers teach than any other current work in education I have read. And Wagner is at one of our elite schools of education!

Who would disagree that our public schools fail to teach effective oral and written communication? But who are the villains? Wagner believes that teachers' obsessions with teaching grammar, test-prep, and teaching to "the test" are the problems here.

Really? What English teachers? A lot of parents would kill to find out

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whose classroom they should get their kids into if they knew the teacher cared about grammar—or at least was brave enough to teach conventional sentence structure and language usage despite the NCTE's long campaign against grammar teaching. Yet Wagner wants professional teacher organizations like NCTE to define what a "literate" citizen should know.

Nor does he have a word to say about the "writing process," the tsunami that hit the teaching of writing in the late 1960s. Since education schools sold teachers on the writing process, K-8 students in most schools have been encouraged to produce a steady flow of autobiographical pieces—also known as experience-based writing—rationalized by an increasingly self-fulfilling assumption that all they really know about is themselves, and that all they can be motivated to write about are their own experiences and opinions.

No wonder high school English teachers who are so inclined have found it difficult to develop writing skills that are based on an analysis of something students have read or observed! Does Wagner not know about the influence of Writers' Workshop approaches on elementary and middle school teachers? Or the number of workshops that three generations of teachers have attended, extolling the virtues of having students produce and revise drafts on their experiences and opinions, with feedback chiefly from peers?

It is disingenuous to imply that the development of analytical thinking and effective oral and written communication (goals of the lyceum in ancient Greece) are new to the 21st century. American education schools and their satellite networks of professional development providers heavily promoted such "21st-century skills" as critical thinking, problem solving, and small group work throughout the 20th century.

If our teaching corps hasn't yet been able to figure out how to translate these buzzwords into effective classroom lessons, what does this tell us about the teaching skills of our very expensive standing army of teacher-educators, either to prepare teachers properly in the first place or to get them up to snuff after they've failed in the field?

To give the devil his due, Wagner does give lip service to the value of core knowledge, or academic content, on one page in his 288-page book. But this crumb is quickly followed by two pages of qualifications showing the problems in focusing on academic content. It is clear that his real interest is in reducing what he perceives as a misplaced emphasis on academic content in the schools. And a specific example of the content he would like to eliminate—Algebra 1—should raise eyebrows even if we could trust what he reports as fact to support his case.

A lot of parents would kill to find out whose classroom they should get their kids into if they knew the teacher cared about grammar—or at least was brave enough to teach conventional sentence structure and language usage.

To discredit attempts to increase the number of high school students studying algebra and advanced mathematics courses, he refers to a study of MIT graduates that, he claims, found only a few mentioning anything "more than arithmetic, statistics, and probability" as useful to their work.

However, when you use the URL he provides in an endnote, it turns out that this "study" consisted of 17—yes, 17—MIT graduates. Moreover, according to my count, two-thirds of the "sample" explicitly mentioned linear algebra, trig, proofs and/or calculus, or other advanced mathematics courses, as vital to their work—exactly the opposite of what Wagner reports.

Evidence-free rhetoric in support of reducing academic content in the schools, diluting academic standards for K-12, and eliminating large-scale academic testing, has found a receptive audience across the country among those who don't want any form of real accountability. Unfortunately, the valuable skills misidentified as 21st-century skills cannot be taught and assessed without a strong emphasis on academic substance, standards, and objective assessments—as academic researchers know.

Wagner is the latest in a long line of educational pied pipers leading an uncritical and growing mass of school administrators and teachers into a curricular wilderness. And this latest book is just the currrent manifestation of the goal driving most of our education schools and professional development providers—how to reduce the academic content of the curriculum while claiming to enhance it—this time in the name of closing the "gap," or providing worker bees for this century's employers.

What the 21st-century skills movement may ultimately reflect is an issue Wagner never addresses: the declining academic quality of America's teaching corps. If the United States could transform entry into teacher training programs and into the education profession along the lines that, say, Finland has taken—prospective core subject teachers must get a master's degree in their academic area, as well as a master's degree in teaching, amounting to a three-year post-baccalaureate course of studies—we would not be debating about inserting "21st-century skills" into state content standards, distorting and diluting them in the process. ♦

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B&A

Papa Does Paris

A new, revised edition of Hemingway's memoir.

BY LIAM JULIAN

Sylvia Beach, Ernest Hemingway outside Shakespeare & Co., 1928

TALLANDIER / GETTY IMAGES

Ernest Hemingway, after tossing off dozens of potential titles for what he was calling his *Paris Sketches*, eventually settled on *The Early Eye and the Ear (How Paris was in the early days)*. Then he killed himself. His widow, Mary, was left to move her late husband's drafts through the stages of publication, and it was she who decided to rename the final product *A Moveable Feast*.

A Moveable Feast
The Restored Edition
by Ernest Hemingway,
edited by Seán Hemingway
Scribner, 256 pp., $25

Good decision. The title comes from A.E. Hotchner's recollection—detailed in his memoir, *Papa Hemingway*—of a time in 1950 when he and Hemingway were chatting at the Ritz Bar in Paris. Hotchner was considering whether to forsake his New York editing job and move overseas. Papa told him, "If you are lucky enough to have lived in Paris as a young man, then wherever you go for the rest of your life, it stays with you, for Paris is a moveable feast."

It is a moveable feast that Hemingway might never have relayed had he not, in 1956, checked into a room at that same Ritz on the Place Vendôme. When the luggage had been delivered, "Ernest over-tipped the *bagagistes* as usual," Mary later wrote, "but they glowered at him, cornered him, and made a speech." It was a speech that they had been making for a long while, in fact: Monsieur Hemingway—you really *must* collect the two trunks containing your old belongings, which have been in storage in our basement since 1928. The containers are decaying; if you don't take them, the city dump will.

The writer assented. The receptacles were brought to his room, their locks popped, and Hemingway was suddenly confronted with notebooks, letters, papers, news clippings, and even clothes that he hadn't seen for three decades. As he sorted through the trunks' contents, he told Mary, "It's wonderful."

Sparked by this re-acquaintance with times past, Hemingway began work on *A Moveable Feast*—a compilation of condensed tales about his life in 1921-1926 Paris—and kept at it sporadically over the next several years. He was distracted and not well, and the writing did not come easily. But he managed to complete the drafts and to select an overarching title for them.

"Making a list of titles and choosing one were the final chores Ernest performed for a book," according to Mary. "He must have considered the book finished except for the editing which even the most meticulous manuscripts require."

Mary was mistaken. Her husband did not consider the book finished. Hemingway had, in fact, written a letter to his publisher in which he explicitly stated that his Paris memoirs were incomplete. The work "is not to be published the way it is," he wrote, "and it has no end." He was not satisfied with the final chapter and had yet to compose a proper

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introduction. He would write neither an introduction nor conclusion before committing suicide in July 1961.

In 1963, Mary Hemingway and Harry Brague, an editor at Scribner, began to prepare *A Moveable Feast* for publication. They devised chapter headings, rearranged material, and excised passages that Hemingway had intended to use while inserting others he had not. In addition to picking the title, Mary assembled a preface out of scattered bits from assorted drafts and constructed a final chapter. The result was released in 1964 and has been with us ever since.

Now, however, comes a new version edited by the author's grandson, Seán Hemingway, who arranged it from original manuscripts housed at the Kennedy Presidential Library in Boston. The "restored edition," Seán writes, "is Ernest Hemingway's original manuscript text as he had it at the time of his death in 1961." Thus, it has no introduction, and readers familiar with the 1964 version will notice that several chapters have been realigned. Seán also includes as addenda 10 additional chapters; he contends, though, that they must be regarded as unfinished and that his grandfather did not want them included in the final manuscript—instructions Mary did not heed.

For example, the final chapter of the 1964 book is a heavily edited combination of two distinct sketches, one of which Hemingway hoped to leave unpublished. The first sketch, titled "Winters in Schruns" in the restored edition, depicts lovely winters spent skiing in Austria. The second, which the restored edition calls "The Pilot Fish and the Rich" and files among the 10 extra chapters, reports how mountain respites were eventually ruined by the arrival of rich people, one of whom inserted herself between Hemingway and his first wife, Hadley, and eventually separated them for good.

Mary created an indelicate smash-up of these two stories, the latter of which Hemingway wished to omit from the final work. In "Winters in Schruns" he wrote:

> The bulldozing of three people's hearts to destroy one happiness and build another and the love and the good work and all that came out of it is not part of this book. I wrote it and left it out. It is a complicated, valuable and instructive story. How it all ended, finally, has nothing to do with this either. Any blame in that was mine to take and possess and understand. The only one, Hadley, who had no possible blame, ever, came well out of it finally and married a much finer man than I ever was or could hope to be and is happy and deserves it and that was one good and lasting thing that came of that year.

Here is F. Scott Fitzgerald—and here he is again, and again—still vaguely described as homosexual and clearly described as squeamish, gutless, weak, whipped, fragile, drunk, rude, and frequently mean.

From Ernest Hemingway this is an uncharacteristic *mea culpa*. But none of it appears in the 1964 imprint of *A Moveable Feast*. What does appear at the end of that book is a hasty summation of Hemingway's divorce from Hadley, for which he takes no responsibility and evinces no regret. That ending has always seemed rushed and wrong, especially because the preceding 200-odd pages burst with stories, tenderly recalled, of Hemingway and Hadley laughing together as they slurp oysters at Prunier, stroll through the Tuileries at dusk, make the best of penury, and love one another. The discrepancy is now explained.

Seán Hemingway's restored edition of *A Moveable Feast* does differ significantly from its predecessor. But the variation, while major, is actually quarantined in isolated spots. Most of the book's pages remain unchanged.

And it must be said, many of those pages, for all their freshness and vigor, remain distressing. Gertrude Stein, who welcomed Hemingway into her home, is still portrayed as an acidulous nag. Ford Madox Ford, who was among the earliest publishers of Hemingway's stories, is still depicted as a malodorous, deceitful bumbler. And here is F. Scott Fitzgerald—and here he is again, and again—still vaguely described as homosexual and clearly described as squeamish, gutless, weak, whipped, fragile, drunk, rude, and frequently mean.

The story about Fitzgerald and Hemingway's lunch meeting at Michaud's restaurant, when the former is in pieces because his wife, the infamous Zelda, has told him that he is anatomically incapable of pleasing a woman (it is "a matter of measurements")—yup, it's just as cringe-inducing in this restored version as in the original.

A Moveable Feast has its moments. They come, often, when Hemingway and Hadley are enjoying their expatriate lives and each other's company. Sometimes they come when Hemingway walks about Paris and describes where he's going, what he's doing, and what he sees. Or they may come when he sits alone in a café, perhaps over a rum St. James, writing.

But such moments are as moments tend to be: fleeting. Hemingway's good humor itself is evanescent. His restraint easily slackens, and then his pomposity and impatience and nastiness emerge. With few exceptions, if he isn't lambasting people, he's patronizing them. And when he isn't around them, he discredits them from afar.

That antagonism remains constant in *A Moveable Feast*, whether you read the book published in 1964 or this year's restored version. ♦

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B&A

Box Office Poison

The star system ain't what it used to be—if it ever was.

BY JOHN PODHORETZ

The year 2009 has been a financial disaster for nearly every industry save one: the motion-picture business. Hollywood's box office receipts are up nearly 20 percent from 2008. The eight most successful movies over the course of the year's first eight months have collectively grossed $2.7 billion, up from $2.3 billion for the entirety of 2008. And what is most striking about these eight films is that not a single one of them, not a single one, features an unmistakable star.

Three of them are cartoons (*Up*, *Ice Age: Dawn of the Dinosaurs*, and *Monsters vs. Aliens*). Three are sequels whose top-line talents are incidental to their success (*Transformers: Revenge of the Fallen*, the sixth *Harry Potter*, and *X-Men Origins: Wolverine*). Two feature relative nobodies (*Star Trek* and *The Hangover*). The first traditional star appears in the ninth-place film, which is itself a high-concept sequel in which the star mostly stands around (*Night at the Museum: Battle of the Smithsonian* with Ben Stiller). It's not until tenth place that a classic vehicle hits the list, Sandra Bullock's *The Proposal*. And after that you have to jump down to 15th place to find Tom Hanks in *Angels and Demons*.

Will Ferrell's movie tanked. Julia Roberts laid an egg. Adam Sandler couldn't sell a ticket. Johnny Depp disappointed. Denzel Washington and John Travolta bombed together. Instead, the movies whose successes depended on their strong leading performances were the ones featuring the 57-year-old Irishman Liam Neeson (*Taken*, $145 million) and the out-of-work TV comedian Kevin James (*Paul Blart: Mall Cop*, $146 million).

The 2009 box-office numbers offer the most dramatic evidence yet that the system around which the motion-picture business has oriented itself almost since its creation in the early years of the last century—the star system, which it largely invented—has finally reached its end. Now the pre-sold concept—Harry Potter, the latest from Pixar, a comic-book character, or a toy made two-dimensional pseudo-flesh—is the star.

The star system has gone through several stages. For the first 30 years of the business the stars were studio employees under long-term contract who were assigned to the pictures they made. They had little to do with the development of their own look, their own position in the market, or the quality of the material in which they appeared. Some, like Bette Davis and James Cagney, chafed at the control exerted on them. Others, like James Stewart and Clark Gable, were content that they did not have to manage their own careers, enjoyed the variety, and were amused at times by the peculiar feats of miscasting they were forced to suffer through.

When, in 1948, the studios lost control of the theaters they owned following a Supreme Court antitrust decision, they lost their iron grip on the assembly line. Performers began negotiating independent deals and new kinds of contracts (James Stewart was the first to win profit participation). Others, like Burt Lancaster and Frank Sinatra, actually set up production companies of their own and made wonderful pictures outside the studio system entirely.

And then, in the 1960s, the studios themselves basically collapsed and turned into large-scale versions of the small-scale production companies that had bedeviled them in the 1950s. With the loss of centralized authority and the inability to exercise control over the creative talents came a power shift. No longer did stars work for studios. Instead, studios, desperate for every conceivable scrap of advantage, fought over stars. The great added value of a star was, it was said, his ability to "open" a picture, to get filmgoers into seats on the first few days of a movie's release. And a big star could supposedly guarantee good box-office results abroad as well.

Like many theories of how to achieve competitive advantage, this one was true only when it was true; when it wasn't true, it was somehow conveniently forgotten. Every star has had failures and successes in roughly equal proportion. In the past 25 years the only performer to go a decade without a box-office failure was Tom Hanks. Between 1975 and 2000, the two actors whose movies grossed the largest amounts of money were—this is not a joke—Steve Guttenberg and Dan Aykroyd.

The star system has perhaps been most important not in what it has done for the pictures themselves but for ancillary, parasitical industry players—agents and managers and publicists, all of whom rake off some percentage of the huge salaries their clients are paid. And of course, there is the world of celebrity media—magazines from *Vanity Fair* on down to *In Touch* and television shows from *Entertainment Tonight* to *TMZ*, all of which depend on the constant creation of new personalities to build up, glamorize, and then destroy on the way down.

What purpose all of that serves for the moviegoer is far from clear, and indeed, the American moviegoer has made it plain that he now finds stars more distracting than involving. It is easier for him to suspend disbelief during a cartoon about a talking lion or a man carrying a house on his back held up by balloons than it is to watch Tom Cruise playing a would-be Hitler assassin or Angelina Jolie playing an assassin.

None of this is to say that the decline of the movie star is good news artistically, aesthetically, or for those whose love of the cinema is wrapped up in the wonders of performance. It is just a fact. Movie stars are fading out. ♦

John Podhoretz, editor of Commentary, *is* THE WEEKLY STANDARD*'s movie critic.*

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"Van Jones, the [former] Special Advisor for Green Jobs at the White House Council on Environmental Quality, is Number 46 of the petitioners from the so-called 'Truther' movement which suggests that people in the administration of President George W. Bush 'may indeed have deliberately allowed 9/11 to happen, perhaps as a pretext for war'. . . . He did not explain how his name came to be on the petition. An administration source said Jones says he did not carefully review the language in the petition before agreeing to add his name."

—ABC News.com, *September 3, 2009*

Tomorrow: *The same.*
Details, Page **B8**

NEXT-TO-LAST YEAR, NO. 122 DC MD VA TUESDAY, SEPTEMBER

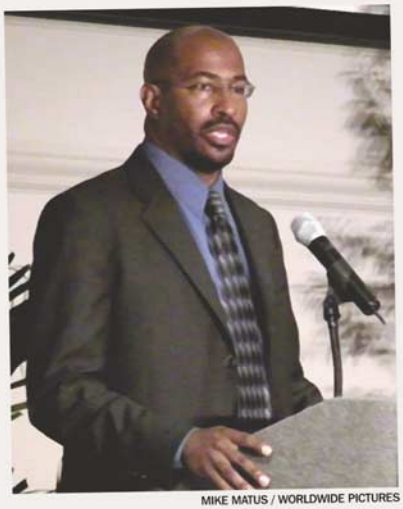
Former White House Aide Still Haunted By Affiliations

Jones's Signature Appears on Miley Cyrus Fan Club List

By DAN EGGEN
Washington Post Staff Writer

Videotaped calling Republicans "—holes" before he joined the Obama administration, signing a 9/11 "Truther" petition, and earlier calling himself a communist, Van Jones found himself in a difficult position made all the more untenable when his support for convicted cop-killer Mumia Abu-Jamal resurfaced. But if the environmental activist hadn't resigned this past weekend, he surely would have this week following further revelations of where else his signature has appeared.

Mr. Jones insists he was not aware of the wording on a vast array of petitions, calling for such reforms as making Esperanto the official language of the United States, changing the national anthem to the disco hit "Car Wash" by Rose Royce, investigating who "really" shot former Giants wide receiver Plaxico Burress, and demanding NBC not cancel "ER." "I enjoy signing my name," said Van Jones in a telephone interview. "I like the way it looks. And honestly, I thought these people just wanted my autograph."



MIKE MATUS / WORLDWIDE PICTURES

Van Jones explains why he signed a petition to induct the Jonas Brothers into the Rock 'n' Roll Hall of Fame.

Mr. Jones's signature also appears on a petition to investigate the 1969 moon landing and whether it took place on the moon or on a Hollywood set. He signed a petition in support of the Arena Football League. His name even appears on a membership drive for the Miley Cyrus Fan Club.

Said Mr. Jones, "I was at a mall and I thought I was signing something expressing my admiration of Miley Cyrus. So I guess that was accurate." As for a petition he signed defending singer Chris Brown against charges of assaulting his girlfriend Rihanna, Jones had no comment. But he does regret not being more careful. "I would still be serving our president, who, by the way, is not an —hole. My advice to all young people is, be careful what you sign. Because one day some Republican

See O.J., *A7, Col.1*

Wilson to be Censured, Caned

By CECI CONNOLLY

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